

10.9. North Sydney Local Planning Panel Report 2021/22

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ATTACHMENTS:

1. North Sydney Local Planning Panel Report 2021/22 table [**10.9.1** - 14 pages]

PURPOSE:

The purpose of this report is to detail the activities of the North Sydney Local Planning Panel for the 2021/22 financial year.

EXECUTIVE SUMMARY:

This report is provided in response to the provision contained within Section 2.20 (5) of the Environmental Planning and Assessment Act 1979: "MISCELLANEOUS PROVISIONS RELATING TO LOCAL PLANNING PANELS - (5) The council is to monitor the performance of local planning Panels constituted by the council."

Reports are to be provided to the Planning Secretary annually based on any given financial year. This report is delayed in its preparation to enable a complete and accurate commentary on any appeals lodged within the six-month period provided for by s8.10(1) of the Environmental Planning and Assessment Act 1979.

FINANCIAL IMPLICATIONS:

The activities of the Panel are budgeted for in an ongoing sense. There are no financial implications flowing from this report.

RECOMMENDATION:

1. **THAT** the North Sydney Local Planning Panel Report 2021/22 report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focussed services

5.3 Community is engaged in what Council does

BACKGROUND

At present, while around 90% of development applications are determined under delegated authority, the remainder are determined by three different Panels which operate to determine Development Applications (DAs) within the North Sydney local government area.

These are:

North Sydney Local Planning Panel (NSLPP)

This is Council's Local Planning Panel. It determines all applications up to a value of \$30M which cannot be determined under delegation, in accordance with the Directive from the Minister for Planning. The current composition of NSLPP consists of the Minister-appointed Chair Ms Jan Murrell (or an alternate chair), with two Panel members at each meeting selected by Council from the pool of experts approved by the Minister for Planning. The final member of the Panel is a community representative who is selected from a panel of four.

Sydney North Planning Panel (SNPP)

The Sydney North Planning Panel (SNPP) is administered by the state government and facilitated by the Department of Planning Industry and Environment (DPIE), and it determines applications which exceed a certain value threshold. This is generally \$30M but this can vary based on the type of development proposed. The Chair is Mr Peter Debnam, with the state-appointed members being Mr Brian Kirk and Ms Juliet Savet-Ward.

Council is able to appoint two members to represent Council and its community. During the period covered by this report these panellists were drawn from a rotating pool comprising Ms Virginia Waller and Mr Kenneth Robinson, with the alternates being former Councillor Mr Stephen Barbour, and Mr Kevin Alker.

Independent Planning Commission (IPP)

This Panel is operated by the state government and determines applications which are of state significance and are assessed by DPIE staff. There are no permanent members on this Panel which is called into being on as need's basis.

Council's role in such applications is as a submitter, and Council has little direct influence on the outcome of these applications. A Chair is appointed who then selects a minimum of two other members from a Minister-approved list, based on the issues presented by an individual application. There is no provision for a Council representative on this Panel. This Panel was previously known as the Planning Assessment Commission.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Function of the North Sydney Local Planning Panel (NSLPP)

1.1 The NSLPP:

1. determines DAs and modification applications which are deemed by the Minister to be of local interest;
2. provides advice on planning proposals; and
3. directs the conduct of planning appeals as they relate to the Panel's activities.
(Note: The Panel has delegated this function to certain council staff).

1.2 Types of Development Applications determined:

The Local Planning Panel determines applications including modifications to certain applications which are beyond the limits of delegated authority that can be used by Council staff. These limits were set by the Minister for Planning by way of a Section 9.1 direction made under the provisions of the Environment Planning and Assessment Act, which took effect on 1 March 2018. The relevant applications are:

1. Conflict of interest: Development for which the applicant or landowner is:
 - a. the council,
 - b. a councillor,
 - c. a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979,
 - d. a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
 - e. a relative (within the meaning of the Local Government Act 1993) of a person referred to in (b) to (d) but not development for the following purposes:
 1. internal alterations and additions to any building that is not a heritage item
 2. advertising signage,
 3. maintenance and restoration of a heritage item, or

4. minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).
2. Contentious development that:
 - a. in the case of a council having an **approved submissions policy** - is the subject of the number of submissions set by that policy, or
 - b. in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy**, prepared by Council and approved by the Secretary of the Department of Planning and Environment, details the circumstances in which a local planning panel or Council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.
3. Departure from development standards
Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the Panel can delegate these applications to council staff to determine.

4. Sensitive development
 - a. Designated development.
 - b. Development to which State Environmental Planning Policy No 65 — Design Quality of Residential Apartment Development applies.
 - c. Development involving the demolition of a heritage item.
 - d. Development for the purposes of new licenced premises, that will require one of the following liquor licences:
 - i. a club licence under the Registered Clubs Act 1976,
 - ii. a hotel (general bar) licence under the Liquor Act 2007, or
 - iii. an on-premises licence for public entertainment venues under the Liquor Act 2007.
 - e. Development for the purpose of sex services premises and restricted premises.
 - f. Development applications for which the developer has offered to enter into a planning agreement.

1.3 A further direction dated 23 February 2018 was made by the Minister which relates to the referral of Planning Proposals.

A council to whom this direction applies is required to refer all planning proposals prepared after 1 June 2018 to the local planning Panel for advice, unless the council's General Manager determines that the planning proposal relates to:

- a. the correction of an obvious error in a local environmental plan,
- b. matters that are of a consequential, transitional, machinery or other minor nature, or
- c. matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

A proposal is referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979.

1.4 A further direction commencing 20 August 2020 was made to clarify and expedite the determination of modification applications.

Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the Panel that:

- a. propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the Panel, or
- b. propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the Panel, or
- c. meets the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards. These criteria are the same as those that relate to the primary directive.

The determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, are made by council staff.

1.5 Relationship of the Council, Panel, Community and Council Officers

The Council has no power to direct the activities of NSLPP nor Council staff in the assessment, reporting and determination of Development Applications. The Council, individual Councillors and/or community can make a submission to an application which is reviewed and reported in accordance with well-established practice. They can also address NSLPP during its determination of an application. The stated intent of the amendments to the Act is to depoliticise the assessment of local development applications to aid efficiency and to reduce corruption risk. Development Applications which do not meet the criteria for referral to this or any other Panel are dealt with under officer delegation.

Covid 19 Impacts

Up to the Panel's April 2020 meeting, the Panel operated as it had done so since its establishment in March 2018. This included a physical site inspection done by the Panel, a public meeting held in Council Chambers, and a confidential determination held in the Supper Room.

From its April 2020 meeting until its final meeting in the reporting period being June 2022, the panel operated by way of having the Panel members meet in an appropriate room to facilitate social distancing, with applicants and submitters being heard via Zoom. This process worked well with little concern raised by participants, and meetings were conducted in a highly efficient manner.

A Ministerial directive of August 2020 sought to have the functions of the local Panel align more closely with those of the regional panel, being the Sydney North Planning Panel.

The most notable change was that public meetings are not required to be held for applications which feature less than ten submitters, and that applicants may be invited to brief the Panel in such cases.

Where there are ten submitters or more, a public meeting is held by electronic means and both applicants and submitters may participate. In either case written submissions addressing the officer's report are accepted and considered by the Panel up to the close of business the Monday before the Panel meeting. The requirements of this directive remained in place for the reporting period.

Operation during the reporting period

The Panel, in accordance with the Ministerial directive, continued to operate by remote means between July 2021 and June 2022.

Panel Membership

NSLPP composition during the reporting period was as follows.

State-sanctioned Chair and alternative Chairs	
Jan Murrell	Chair
Garry Shiels	Alternate Chair / Expert Member
Jason Perica	Alternate Chair / Expert Member

State-sanctioned, Council-appointed experts	
Tony Caro	Expert Member
Grant Christmas	Expert Member
James Harrison	Expert Member
Linda McClure	Expert Member
Brendan Randles	Expert Member
Gerard Turrisi	Expert Member
Garth Paterson	Expert Member
Helen Lochhead	Expert Member
Ian Pickles	Expert Member
Caroline Piddock	Expert Member

State-sanctioned, Council-appointed experts	
Michael Reymond	Expert Member
Sandra Robinson	Expert Member
Annelise Tuor	Expert Member
David Logan	Expert Member
Peter Brennan	Expert Member
Lloyd Graham	Expert Member
Garry Fielding	Expert Member
Peter Brennan	Expert Member
John McInerny	Expert Member
Jan Murrell	Expert Member

Community Representatives until March 2022	
Veronique Marchandean	Community Member
Kenneth Robinson	Community Member
Jane Van Hagen	Community Member
Virginia Waller	Community Member

Community Representatives from April 2022	
Kenneth Robinson	Community Member
Virginia Waller	Community Member
Lindsey Dey	Community Member
Meredith Trevallyn Jones	Community Member
Kara Castellanos	Community Member
John Bohne	Community Member

The need for numerous Panellists

Most Minister-approved experts are active in private consultancy or are Academics, thus potentially conflicted in both time and interest. This rendered the formation of a Panel for any given meeting difficult on occasion, with one meeting being formed based on the set quorum of 3, leading to the expansion of the Expert Panel from 15 (during the 2018/19 financial year) to 19. This pool of expert panellists has since reduced to 17 due to resignations, but this was demonstrated to be adequate during the reporting period.

It is of note that the Ministerial directive dated 1 December 2022 reinforces the need to have a sufficient pool of panellists to cover unavailability and conflict of interest issues, and to ensure rotation so that the panellists sitting on the day are unpredictable.

Number of Meetings attended by Panel Members

Panel members are selected by the Principal Chair in consultation with the Manager Development Services and with the assistance of CIS Administration Staff. Offers are then

made to the selected experts, with final selection for any meeting based on availability and lack of material conflict.

The role of Panel Chair was shared as follows:

Jan Murrell	11
Helen Lochhead	4
Gary Shiels	2

The total number of meetings attended by Panel members was as follows:

Jan Murrell	6
Helen Lochhead	1
Gary Shiels	1
James Harrison	3
Garth Paterson	2
Gerard Turrisi	1
John McInerny	2
Linda McClure	4
Bredan Randles	1
Tony Caro	1
David Logan	1
Peter Brennan	1
Caroline Piddock	1
Lloyd Graham	2
Michel Reymond	1
Virginia Waller *	3
Jane Van Hagen #	5
Veronique Marchandeanu #	3
Kenneth Robinson *	6
Lindsey Day **	0
Meredith Trevallyn-Jones **	0
Karla Castellanos **	0
John Bohane **	0

Note: * Indicates current community member

** new community members from April 2022

Indicates community member to end March 2022

Meeting Procedure

In accordance with standing Planning Secretary directions, the Panel meets in Council Chambers' Supper Room, or operates remotely via Zoom. Panel members are expected to do

independent site inspections and form a view on that basis. Applicants and members of the community attend meetings remotely.

Number of applications considered by the Panel

During the period covered by this report, 62 items relating to development applications and 10 planning proposals were reported to the Planning Panel.

It had been estimated prior to the commencement of the Panel that the workload of the Panel (based on the Minster's draft 9.11 Direction) would average around six applications a month. During the period covered by this report an average of 5.5 applications per month have been reported to the Panel.

Summaries of the agenda for each Panel meeting are attached to this report.

Recommendation vs Outcome

During the period covered by this report, the Panel agreed with the officer's recommendation on 55 occasions, accepting the officer's recommendations in largely unchanged form.

The Panel deferred matters from the agenda on six occasions, five of those being to allow the applicant to submit better or more appropriate information. On four of these occasions delegation was granted to the Development Services Manager to determine the application. The sixth occasion was to allow a matter that normally would have been heard in closed session as there were less than 10 submissions to be heard publicly. On only one occasion was the officer's recommendation overturned, with a recommendation for approval determined by refusal.

Refusal of Consent

Consent was refused on four occasions, with applications determined by refusal representing approximately 8% of matters referred to the panel.

Advice to Council regarding Planning Proposals

The Planning Panel considered 10 planning proposals over five dedicated Panel meetings. One Planning proposal was considered at a regular panel meeting on 7 July 2022.

Nine of the planning proposals were from private interests and therefore unsolicited. Two planning proposals related to amendments to the LEP (Local Environmental Plan) sponsored by the Council.

On 10 occasions the panel agreed with the view offered by Council or its consultant. In one planning proposal, the Panel deferred the matter so that the applicant could provide better information for consideration.

The six planning proposals not supported were proposed up-zonings, which were not supported by any current work undertaken by Strategic Planning nor endorsed by Council.

Complaints against the Panel

There were two complaints in relation to the on-day activities of the Panel. One related directly to process, the other more to outcome.

One case related to an application determined by the Panel at its 7 July 2021 meeting. This sought consent for the construction of a four-storey residential flat building on a site surrounded by lower density housing. An adjoining owner was not acceptive of Council officers' recommendation nor the Panel's determination that the application be approved, and made representations through the local state member following the determination. Both staff and the Panel tried to address those concerns both within the officer's report and during the panel meeting. Short of a refusal there was little that could have been done to resolve the residents' concerns, which in the circumstances of the case could not be supported. Following the determination of the application, considerable time was spent by Council staff to address the residents' concerns, including liaison with the applicant's team in an attempt to mitigate the effects of construction activities.

The other matter related to a modification application considered initially by the Panel at its 2 March 2022 meeting, seeking amendments to an existing and commenced consent. Due to the number of submissions being less than 10, this item was closed to the public when first considered on 2 March 2022 and determined based on written submissions alone. The Panel sought amended plans and details to address the concerns raised and granted delegation to the Development Services Manager to determine the applications. The applicant subsequently provided amended plans but these were not strictly in conformity with the Panel's resolution.

The matter was reported back to the Panel by the Manager at its meeting 1 June 2022, as the delegation granted by the Panel could not properly exercised. The item was heard in closed session as there were less than 10 submissions, consistent with the Ministers direction and the Panels usual practice. There were administrative challenges regarding the remote nature of this meeting and whether it should be an open or closed meeting. Concerns were raised by a submitter that in effect this meeting had been public, but that they had been unable to address the Panel on the matter.

The Panel, considering the confused nature of the Panel meeting, deferred the matter for an electronic determination meeting, with the applicant and submitters invited to attend. This meeting occurred on 15 June 2022. Following consideration of representations, both oral and written, the Panel then determined the application.

Changes have been made to the procedures that support Panel meetings to reduce the likelihood of such miscommunications occurring in the future.

Appeals against Panel determinations

Development applications can be the subject of an appeal to the Land and Environment Court. Appeals can be commenced based on a decision made by the Panel, by a Council officer under delegation, or following the expiry of the deemed refusal period (typically, 40 days from the date of lodgment for a local development application). Appeals which relate to a determination must be made within six months of determination.

Under the provisions of the Environmental Planning and Assessment Act, NSLPP is responsible for the control and direction of planning appeals arising from its activities. However, at its meeting of 4 July 2019, NSLPP delegated their functions with regard to the control and direction of all development appeals against determinations (or deemed determinations) of the Local Planning Panel (as well as those determinations not captured by the Local Planning Direction) to the following Council officers, in the context of Council's current delegations concerning authority to deal with appeals and procedural matters concerning such appeals in the Land and Environment Court:

1. General Manager;
2. Chief Operating Officer;
3. General Counsel;
4. Director City Strategy;
5. Manager Development Services;
6. Manager Strategic Planning; and
7. Manager Environment & Building Compliance.

The Court's practice directions dictate that residential appeals are to be resolved by way of the Section 34 Conference process. This commences with an onsite view where the commissioner can visit the site, and hear from the applicant, the Council, and any submitters who may be present. The practice aims to resolve as many issues as possible without going to a formal hearing. The hearing process can involve the submission of amended plans which may need to be advertised to submitters if the Court so directs. The Commissioner will refer to Council's notification policy and take submissions before making this decision.

There has been concern raised by the community regarding the management of appeals. The Court seeks to have as many appeals as possible resolved rather than go to a full hearing. Council can only press for a full hearing when it has expert support. The role of an expert in the court is to inform and advise the Court in their professional capacity. This rule applies to Council-employed consultant experts, Council's professional staff, and the applicant's experts. In the absence of expert support, it is inappropriate to press an appeal to a full hearing.

Council seeks to engage the community in the resolution of applications through the Section 34 process by renotification of amended plans. This requires the Court to agree with Council's Community Engagement protocol as a reference point. The Section 34 process was explored in a report of the Legal Officer, Item 10.13 at the Council meeting of 28 November

2022;

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2022/nov_28_2022_630pm/reports_to_council_28_nov_2022/10.13_section_34_conciliation_conference_process.pdf.

Outcome of appeals against decisions of NSLPP

In the reporting period there were six applications that were the subject of an appeal following determination by the Panel:

80 Cairo Street, Cammeray	Meeting Date:	1 December 2021
	Officer recommendation:	Deferred commencement
	Panel Decision:	Deferred commencement
	Court Determination:	Appeal Upheld

Notes: This appeal related to conditions imposed on the approval of an application for substantial alterations and additions to an existing dual occupancy. The appeal was the subject of a Section 34 conference and amended plans and was approved with an amended consent reflecting the agreement of the parties and the commissioner.

8 Baden Road, Kurraba Point	Meeting Date:	1 December 2021
	Officer recommendation:	Refusal
	Panel Decision:	Refusal
	Court Determination:	Appeal Upheld

Notes: This appeal related to the refusal of an application for alterations and additions to an existing heritage listed dual occupancy. The application was refused by the Panel in accordance with the officer's recommendation. The main issue was the proposal's response to the Heritage Conservation Area and the inadequacy of the CI4.6 submissions. The application was the subject of a Section 34 conference, amended plans and was subsequently approved.

1 Bank Lane, Milsons Point	Meeting Date:	2 February 2022
	Officer recommendation:	Refusal
	Panel Decision:	Refusal
	Court Determination:	Appeal Upheld

Notes: This appeal related to the refusal of an application to demolish an existing dwelling and erect a new dwelling. The application was refused by the Panel, then subject to an S8.2 review process in which it was refused again. The main issue was the proposal's response to the Heritage Conservation Area. The application was the subject of a Section 34 conference and amended plans, and agreement was subsequently reached.

1 Warung Street, Milsons Point Meeting Date: 1 June 2022
Officer recommendation: Refusal
Panel Decision: Refusal
Court Determination: In progress

Notes: This appeal related to the refusal of an application to partly demolish an existing residential flat building, construct a new basement, and additions resulting in additional apartments. The application was refused by the Panel as recommended by the officer. The key issues were impacts on views caused by the exceedance of the building height control, building design including the proposed entry through a sandstone rock face, and engineering concerns. This appeal remains in train.

107 High Street, North Sydney Meeting Date: 1 June 2022
Officer recommendation: Refusal
Panel Decision: Refusal
Court Determination: In progress

Notes: This appeal related to the refusal of an application to demolish a neutral item in a heritage conservation area and erect a new residential flat building. The application had been returned to the Panel in accordance with the Panel's earlier determination to seek amended plans, and subsequently refused. Issues included view loss and design relationship with the Heritage Conservation Area.

182 Kurraba Road, Neutral Bay Meeting Date: 15 June 2022
Officer recommendation: Approval
Panel Decision: Refusal
Court Determination: In progress

Notes: This appeal related to the refusal of an application to modify a consent for the construction of a part four/part five storey residential flat building. The application was considered unclear by the Panel, with residents' concerns raised around the consistency of the original approval, and the proposed modification with several planning controls and the accuracy of supporting information. The applicant was unable to demonstrate with clarity what was sought by the application considering works already in progress and earlier determinations. The applicant then sought to lodge a Section 8.2 review, but this was rejected as it was made outside the time permitted by legislation. An appeal was then lodged and has been subject to a Section 34 conciliation process. The matter remains on foot.

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North Sydney Local Planning Panel Agenda - July 2021-June 2022.**7/07/2021 Chair Jan Murrell, Helen Lochhead, Garry Shiels. Community representative Virginia Waller. Link;****<https://www.youtube.com/watch?v=CjaV358-Hk>**

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	68 Alfred Street	Alts adds commercial	Cl4.6 height more than 10%.	A	A	Recommended mods to front set back accepted by panel.
2	Consultant	287 Miller Street	New boarding house	Council part owner, more than 10 submissions.	A	A	Demolition of existing shared accommodation. Floodway issues.
3	Staff	27 Bogota Avenue	Alterations and additions to an existing dwelling house and construction of a detached garage and associated landscaping.	Cl4.6 height more than 10%.	A	A	No submissions received
4	Staff	16 Davidson Parade	First floor addition dwelling house	Cl4.6 height more than 10%.	A	A	Slopping site.
5	Staff	1-11 Rodborough Avenue	S8.2 review of earlier refusal	Cl4.6 height more than 10%, previous panel decision, more than 10 submissions	A	A	S8.2 review of earlier refusal. Significant modifications made to plans.
PP2	Staff	41 McLaren Street	Significant height and floorspace increase.	PP for review	NS	NS	Not supported by any prior Council Study.

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4/08/2021 Chair Jan Murrell, James Harrison, Garth Paterson. Community representative Jane van Hagen. Link:

https://www.youtube.com/watch?v=8y6e_epHZKM&t=15s

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
	Staff	229 and 231 Miller Street	Wall sign	S8.2 review, Cl4.6 height more than 10%, more than 10 submissions.	R	R	Review of an earlier panel decision to delete a north facing wall sign. Earlier decision upheld.
1	Staff	51 Blues Point Rd	Subdivision and new dwelling on created lot.	Cl4.6 height more than 10%, more than 10 submissions.	A	A	Proposal created additional lot with new dwelling approved. Original dwelling retained.
2	Consultant	13 Shell cove Road	Attic addition to existing heritage listed dwelling including new swimming pool.	Councillor owned site, more than 10 submissions	R	D	Applicant required to submit amended plans to address concerns raised in the report which were supported by the panel. Was preceded by earlier application which was the subject of a discontinued appeal.
3	Staff	425-429 Pacific Highway.	Mod to existing consents	Earlier panel determination	A	A	Modify existing consent which provided a life of 5 years to an electronic advertising panel, 15 years were applied for and was extended to 10 years as recommended to the panel.
4	Staff	1 Balls head Drive	Site remediation	Site to be transferred to Council	A	A	Remediation was required before transfer of land for public use.
5	Staff	457 Miller Street	Modify hours of operation, increase maximum occupancy and minor additions to the interior to an existing restaurant	Included outdoor seating on Council land.	A	D	Amended plans sought detailing accessibility requirements.

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1/09/2021 Chair Helen Lochhead, Jan Murrell, Gerard Turrisi. Community representative Veronique Marchandau. Link: <https://www.youtube.com/watch?v=77qeu1c2b0&t=10s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	135 Carabella Street, Kirribilli	Substantial demolition and alterations and additions to dwelling	More than 10 Submissions.	A	A	
2	Staff	34 Phillips Street	New dwelling	More than 10 Submissions.	A	A	Substantively compliant but many submissions.
3	Staff	22 - 26 Spruson Street	Demolition of three existing residential flat buildings and construction of a residential flat building containing eleven apartments over two levels of basement parking, associated site works and landscaping.	CI4.6 variation height more than 10%, more than 10 Submissions.	A	A	Lodge on the basis of existing use rights. R3 zoning change made development permissible. Would have been supported in either case. Significant public interest.
4	Staff	315 Ernest Street	Section 4.55 (2) Application to modify DA 336/16	Modification to LPP consent	A	A	Limited public interest, acceptable proposal.

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Planning Proposal Meeting**29 September 2021 Chair Jan Murrell, John McInerny, James Harrison. Community representative Ken Robinson. Link:**<https://www.youtube.com/watch?v=M-TINvTlgsU&t=9s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	270-272 Pacific Highway	Amend height and floorspace ratio.	PP advice sought	S	S	Amendments were recommended by staff to the proposal as submitted.
2	Staff	153 and 157 Walker Street	Amendment height control	PP advice sought	NS	NS	Proposal had a number of failing including not having consent from one of the landowners.
3	Staff	North Sydney Centre Generally	To amend North Sydney Local Environmental Plan 2013 by amending clauses 6.3(3) and 6.3(5) and thereby confine all applications that seek to vary the building height development standards to clause 4.6 (Exceptions to Development Standards) ensuring greater consistency and transparency	PP advice sought	S	S	Amendment sought to provide greater certainty and clarity for building height assessment.

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6 October 2021 Chair Jan Murrell, Linda Mc Clure. Community representative Virginia Waller. Link: <https://www.youtube.com/watch?v=jOpRUzz6v5I>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Consultant	13 Shellcove Road	Alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 15m pool, internal and external alterations to existing dwelling, landscaping works	Alterations to heritage item, Councillor residence, more than 10 Submissions.	DC	A	Had been deferred for amended plans at July meeting. Recommended deferred commencement conditions amended to be operative to avoid further deferral.
2	Staff	206 Blues Point Road	Alts and adds to existing hotel	More than 10 Submissions.	A	A	Minor condition amendments.
3	Staff	26 Thomas Street	Alts and adds to heritage item	Part demolition of heritage item	A	A	
4	Staff	1 Blue Street	Alterations and additions to the Shore School House	Cl4.6 height more than 10%.	A	A	Largely internal works and an uncontroversial application.
5	Staff	5 Earle Street	Construction of a dwelling house, retaining walls and associated landscaping	Cl4.6 height more than 10%.	DC	A	Deferred condition requiring design amendment not supported on review by panel.
6	Staff	45 Willoughby Street	S4.55 application to alts and adds approval	Previous panel Decision	A	A	

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3/11/2021 Chair Jan Murrell, Brendan Randles. Community representative Ken Robinson. Link: <https://www.youtube.com/watch?v=8t3Rc8Gi9ew&t=2s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	1 Baden Road	New dwelling garage and swimming pool	CI4.6 height more than 10%, More than 10 submissions.	A	D	Panel considered that the CI4.6 submission required review and resubmission prior to determination.
2	Staff	35 Bayview Street	Substantial alts and adds to dwelling	CI4.6 height more than 10%	A	DC	Operative conditions made as deferred commencement conditions for certainty.

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1/12/2021 Chair Garry Shiels, Jan Murrell, Tony Caro, Community representative Jan Van Hagen. Link: <https://www.youtube.com/watch?v=YCWxYNj4Elg&t=11s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	313 Pacific Highway	Mixed-use development including retail and boarding house	More than 10 submissions, CI4.6 height more than 10%.	A	A	Conditions were amended.
2	Consultant	23 King George Street	Demolish existing structures construct new dwelling.	More than 10 submissions.	A	Def	Revised plans and CI4.6 submission requested. Return to panel.
3	Staff	80 Cairo Street	Substantial alts and adds to dual occupancy	More than 10 submissions, CI4.6 height more than 10%.	A	DC	As per Officer's recommendation.
4	Staff	34 &36 Cammeray Road	Subdivision into 2 lots, alts to existing dual occupancy to form semidetached dwellings.	CI4.6 height more than 10%.	A	A	Additional condition restricting works at rear of property to protect rocky outcrop.
5	Staff	8 Baden Road	Alts and adds to heritage listed dual occupancy	CI4.6 height more than 10%.	R	R	Panel agreed that 4.6 submission was inadequate.
6	Staff	4-6 Macpherson Street Cremorne	New Residential flat building	SEPP65	A	A	Minor alterations to conditions,

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2/02/2022 Chair Jan Murrell. Grant Christmas, Linda McClure. Community representative Ken Robinson. Link:

<https://www.youtube.com/watch?v=LXY9-hEkSo8>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	30 Myrtle Street	Alts and adds semi-detached Dwelling	More than 10 submissions.	A	A	Amendments to conditions.
2	Staff	54 Bennelong Road	Demolition of existing rear balconies and replacement with new, new paved area at ground level	Cl4.6 height more than 10%.	A	A	Additional condition - privacy.
3	Staff	51 Alexander Street	Modify existing consent for mixed use development	Previous NSLPP approval, increase in building height	A	A	Slight increase in height
4	Consultant	1 Bank Lane	Review of determination demolition of contributory item and new replacement dwelling	S8.2 review of a previous panel determination.	R	R	Subject to latter appeal approved subject to further amendments.
5	Consultant	30-34 Grosvenor Street	Modify consent for mixed use development	Previous panel determination.	A	A	Slight increase in building height.

Planning Proposal Meeting

23/02/2022 Chair Helen Lochhead, Jan Murrell, John McInerney. Community representative Jane van Hagen. Planning proposal meeting. Link:

<https://www.youtube.com/watch?v=n5GpaJ5guNg&t=4s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Consultant	253-267 Pacific Highway	PP to increase height and floorspace ratio	Advice	S	S	Changes to specified building height and podium setbacks.
2	Staff	45 McLaren Street	PP to increase height and floor space, change zoning from R4 to B4	Advice	S	S	Mixed use zoning in lieu of residential, increase in height, shadow acceptable impacts on Ward street precinct.

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2/03/22 Chair Jan Murrell, Caroline Pidcock, Lloyd Graham. Community representative Veronique Marchandau. Link:

<https://www.youtube.com/watch?v=u7BxqflBHy8&t=1s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Consultant	21 King George Street	Demolition of existing, construction of new dwelling	Deferred by previous panel meeting	A	Def	Amended plans called for. Delegation to Development Services Manager to determine.
2	Staff	23 Westleigh Street	Demolition of existing dwellings, construction of multi dwelling housing development.	Cl4.6 height more than 10%.	A	Def	Amended plans and details called for. Delegation to Development Services Manager to determine.
3	Staff	85 Kurraba Road	Modification to existing consent for RFB,	Previous NSLPP approval	A	A	Additional condition, charging facilities for electric cars.
4	Staff	3/102 Alfred Street	Change of use commercial to residential	Cl4.6 floor space.	A	A	Minor overall reduction in non-residential FSR
5	Consultant	182 Kurraba Road	Modification to existing consent	Previous panel determination.	A	Def	Deferred for amended plans, Delegation to manager.
6	Consultant	34 Alexander Street	Carpark awnings with Solar panels.	Council property.	A	A	Additional condition requiring signage to promote the sentimental initiative.

Planning Proposal Meeting

9/03/22 Chair Jan Murrell Peter Brennan Community representative Ken Robinson. Link:

https://www.youtube.com/watch?v=uOdaGEnl_C4&t=3s

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	153-157 Walker Street	23 metre height increase	Advice	NS	NS	Proposal was considered not to have strategic or site-specific merit.
2	Staff	R3 zones generally	Amendment to prohibit RFB's	Advice	S	S	The panel noted that additional yield was not in question and existing use rights case law would prevent over scaled development using that avenue.

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6/04/22 Chair Jan Murrell, Grant Christmas, Ian Pickles, Community representative Jan Van Hagen. Link:

<https://www.youtube.com/watch?v=AHQjxQu3p2c&t=20s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	64 Rangers Road	Alterations and Additions to a semi-detached dwelling including construction of a detached studio and alterations to the dwelling façade.	More than 10 submissions.	A	A	Condition re skylight amended.
2	Staff	1 Baden Road, Kurraba Point	Demolition of all existing structures and construction of a part 4, part 5 storey dwelling house with an integrated garage, swimming and associated landscaping.	Deferred from previous panel agenda.	A	A	Matter deferred from agenda of 1 November 2021 for revised cl4.6 submissions. Accepted by panel and approved.
3	Staff	372 Military Road	Demolition of an existing shop top housing and construction of a five (5) storey shop top housing containing seven (7) apartments, a ground floor retail tenancy and basement parking.	More than 10 submissions, SEPP 65, and Cl4.6 height more than 10%.	A	A	Panel accepted and added to conditions to ensure that development respected locally listed (potentially state listed) Cremorne Orpheum Theatre.
4	Staff	23 Victoria Street	Section 4.55(2) Modification to DA 230/20/2 to raise the roof level of the approved roof level additions, including a higher lift overrun and introduction of new rooftop terrace.	Cl4.6 height more than 10%.	A	A	Additional condition dealing with balustrade design.
5	Staff	1B Samora Avenue	Alterations and additions to an existing part two/three storey detached dwelling	Cl4.6 height more than 10%.	A	A	Panel agreed that 4.6 submission was supportable.

Planning Proposal Meeting

13/04/2022 Chair Jan Murrell James Harrison Michel Reymond Community representative Veronique Marchandau. Planning Proposal Meeting. Link: <https://www.youtube.com/watch?v=AHQjxQu3p2c&t=7s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	378=390 Pacific Highway	Increase in height. Establish overall floor space! Increase minimum non res FSR	Advice.	NS	NS	Proposal to amend height control from 16M to RL176 meters considered excessive.
2	Staff	20 Berry Street	Increase in height! Zoning change B4 mixed use to B3 commercial core. New special area.	Advice.	NS	Def	Further work was considered to be required of the applicant to demonstrate acceptable solar impacts on new and current special areas.
3	Staff	12=14 Waters Rd	Increase in maximum building height, 16 to 26 metres.	Advice.	NS	NS	Increase in height not supported by any adopted planning study

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4/05/2022 Chair Gary Shiels Jan Murrell Garth Paterson Community representative Jan Van Hagen. Link:
<https://www.youtube.com/watch?v=qSn-oOnwxdw&t=4s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	206 Blues Point Rd	Modification to amend condition relating to hours of operation for approved covered terrace.	Previous panel determination, licensed premises, more than 10 submissions.	A	A	Additional condition imposed in regard to premises management.
2	Staff	46 Crows Nest Road	Alts and adds to dwelling new pool	More than 10 submissions.	A	A	Additional design related conditions imposed.
3	Staff	108 Hayberry Street	Alts and adds to semidetached Dwelling	More than 10 submissions, manager unable to exercise earlier delegation	A	A	Amendments to conditions.
4	Staff	11 Bennett Street	Demolition of existing structures new dual occupancy	Demolition of contributory item	R	R	Variation to building height sought was not supported by panel or officer,
5	Staff	102 Carabella Street	Alts and adds to attached dwelling	Works exceeded delegation	A	A	Additional condition relating to materials imposed.
6	Staff	4 East Avenue	Balcony enclosure of unit1	Cl4.6 height, more than 10%.	A	A	Proposal was considered modest and acceptable.

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1/06/2022 Chair Helen Lochhead Jan Murrell Linda McClure Community representative Ken Robinson. Link:
<https://www.youtube.com/watch?v=W2TGf77XZcs&t=2s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Consultant	187 Miller Street	Alts and adds to hotel including roof top bar and function spaces.	Works on heritage item licensed premises, more than 10 submissions.	A	A	Additional condition and additional imposed requiring greater set back of stair access to roof top, hours of operation, noise trial period for hours of use.
2	Staff	1 Warung Street	Part demolition of existing RFB, new below ground basement and new apartments.	More than 10 submissions.	R	R	The many breeches of controls were symptomatic of an unacceptable development outcome.
3	Consultant	107 High Street	Demolition of existing RFB and construction of a new RFB	More than 10 submissions, manager unable to exercise earlier delegation.	R	R	Returned to panel as applicant had not met panels requirements. Further consideration was needed for the design of the roof top level to improve view sharing opportunities.
4	Staff	34 Phillips Street	Modification to consent for new house	Previous panel determination.	A	A	Minor amendments to panel approved application.
5	Staff	30=34 Grosvenor Street	Modification to existing consent for RFB	Previous panel determination.	A	A	Minor increase in roof level community space required by additional condition.
6	Staff	352 Miller Street	Demolition of existing dwelling, new 4 level RFB	Sepp 65.	A	A	Detailed amendments to conditions.
7	Staff	182 Kurraba Road	Amendments to existing consent for RFB	Deferred from previous panel meeting.	A	Def	This matter was deferred to a further electronic meeting to enable the submitters to be heard.

08/06/2022 Chair Jan Murrell David Logan Lloyd Graham Community representative Virginia Waller. Link: https://www.youtube.com/watch?v=ra6u-h7_Dbk&t=11s

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	Land bounded by Pacific Highway, Falcon Street and Alexander Street, Crows Nest (also known as 'Five Ways Triangle Site')	To amend North Sydney Local Environmental Plan 2013 as follows: • Increase the maximum building height on the subject site from 16m to 63.5m; • Establish an overall maximum FSR on the subject site of 5:8:1; and • Increase the minimum Non-Residential Floor Space Ratio (FSR) on the subject site from 0:5:1 to 2:5:1.	Advice.	QS	QS	Maximum height set at 60 meters.
2	Staff	360 Pacific Highway, North Sydney	To amend North Sydney Local Environmental Plan 2013 as follows: • Amend the maximum building height from 10m to RL 166m (18 storeys); • Establish a maximum Floor Space Ratio (FSR) of 5:5:1 and; • Amend the minimum non-residential FSR from 05:1 to 2:1	Advice.	NS	NS	Scale of proposal did not address heritage streetscape setback concerns.

Special determination meeting deferred matter held by electronic means.

15/06/2022 Chair Helen Lochhead Jan Murrell Linda McClure Community representative Ken Robinson. Link: <https://www.youtube.com/watch?v=8Pb0J80Oc8M&t=3s>

Item	Author	Property	Description	Reason	Rec	Dec'n	Comments
1	Staff	182 Kurraba Rd	Modification	Matter deferred from 1/06/2022 to enable submitters to address the panel.	A	R	Panel determined that due to a lack of detailed information that clarifies the existing works and the proposed new work, and with the existing and future levels surveyed and clearly marked, it was not in a position to make a definitive decision on this proposed modification.