



NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 3 NOVEMBER 2021, AT 2.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

David Logan, Panel Member
Brendan Randles, Panel Member
Ken Robinson, Community Representative

Staff:

Administrative Support

Stephen Beattie, Manager Development Services
Robyn Pearson, Team Leader Assessments
David Hoy, Team Leader Assessments
Michael Stephens, Senior Assessment Officer
Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 6 October 2021 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:	122/21
ADDRESS:	1 Baden Road, Kurraba Point
PROPOSAL:	Demolition of all existing structures and construction of a part 4, part 5 storey dwelling house with an integrated garage, swimming pool and associated landscaping.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Charbel Hazzouri

Public Submissions

1 Written Submission

Submitter	Applicant/Representative
Chris Shaw on behalf of Units 1, 2 and 7 No.200 Kurraba Rd	Anthony El- Hazzouri - Revelop Development (Applicant)
	Ian Cady - Town Planner
	Jane Maze-Riley - Urban Designer
	Nicola Ghirardi - Architect

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

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

The Panel in its deliberations has concluded the matter be deferred and the Applicant given the opportunity to prepare a new Clause 4.6 written request that is not hampered by the former lockdown restrictions due to COVID. The Clause 4.6 written request is a threshold question to be satisfied prior to determination. The Panel has decided, on balance, a deferral is appropriate in the circumstances as this will allow the Applicant to seek access for the purpose of view assessments from the properties where owners have made submissions. In this regard owners are encouraged to grant permission for access to allow this to be undertaken in a timely manner.

The Panel notes that it was unclear whether the preliminary view analysis was in respect of the amended plans or earlier plans and technically the current plans must be addressed in a written request under Clause 4.6, even if the impact is reduced. Furthermore, the Panel is not persuaded the clause 4.6 written request should rely on a preliminary report that only makes a reference to 'Tenacity'. It is also noted this preliminary analysis states "at this time a detailed Tenacity assessment cannot be undertaken...based on the information available ...potential view loss for units at 200 Kurraba Road and 3 Baden Road is unlikely to meet the threshold test to proceed to Step 1 in Tenacity." This report also states ... "If, as a conservative measure, a Tenacity assessment were undertaken it would find that view loss is negligible..."

Notwithstanding the preliminary view analysis, it is the written request for variation on which the Panel as the consent authority must be satisfied.

The Applicant is to submit a new Clause 4.6 written request in a timely manner to allow a Supplementary Report to be prepared for the Panel's consideration and determination. The Panel will then determine the development application electronically.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
David Logan	Y				
Brendan Randles	Y				

ITEM 2

DA No:	211/21
ADDRESS:	35 Bay View Street, Lavender Bay
PROPOSAL:	Substantial alterations and additions to a dwelling house including a new attic level and double garage.
REPORT BY NAME:	Sophie Griffiths, Student Town Planner
APPLICANT:	Bronwyn Litera

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	Bronwyn Litera - Applicant
	Chris Trotta - Applicant
	Yvette Middleton - Town Planner
	Henry Cheung - Owner (observing only)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report and Recommendation is noted. The Panel has considered the amenity of adjoining properties and the streetscape, and the relevant controls in North Sydney Local Environmental Plan 2013, and guidelines in the DCP.

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 in relation to the contravention 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. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

The Panel has determined that consent be granted subject to the satisfaction of Deferred Commencement Conditions requiring amended plans to be approved by the Manager of Development Services.

The Deferred Commencement Conditions are to be imposed to give effect to the following:

- The **garage** is to be amended to become a carport structure to be more visually transparent including the following:
 - The proposed panel lift door is to be deleted and may be replaced by gates to a maximum height of 1.5 metres. The metal or open timber batten gates are to have a transparency factor no less than 70%.
 - The existing wall to the southern (side) boundary is to be reduced in height by 500mm.
 - The roof is to be a light weight structure only
- **Dwelling Entry** - The proposed entry to the dwelling is to be either: relocated to the front elevation of the dwelling, and may be visually distinguished from the carport with a change in paving and the roof over the entry to the house could also be distinguished from the carport roof; **or if the side** entry is to be retained it must be designed to resolve issues having regard to the adjoining property to the north and presentation to the streetscape.
- **Dormer to eastern elevation** -The rear dormer in the eastern elevation is to be amended to have a curved roof or skillion roof form and reduced to have a **gable face height** of two (2) metres with a corresponding setback from the existing eastern gutter line.
- **Dormer to western facing elevation** - The front dormer in the western elevation is to be amended to have a flat, skillion or curved roof form to minimise the visual impact to the street.
- **Relocation of Ground Level Deck (Condition C2)** - The location of the lower ground level deck in the rear garden is to be amended to reflect the plan submitted to the Panel 1 November 2021.

A full set of amended plans are to be submitted and approved by Council’s Manager Development Services before the operational consent becomes effective. The Panel delegates to the Manager of Development Services the power to also impose appropriate Deferred Commencement conditions in accordance with the above requirements.

To reflect the amended plans required by the Deferred Commencement, Condition numbers C1, C2 & C3 are to be deleted from the consent. Council’s Manager Development Services is further granted delegation under Section 2.20(8) of the EP & A Act 1979 to amend conditions of consent that is necessary to reflect the changes required by the Panel’s decision.

Panel Reason:

With the Deferred Commencement Conditions to satisfy the above requirements, the Panel considers the development warrants approval.

The Panel has imposed a deferred commencement condition to allow a number of design issues to be resolved to ensure a satisfactory and improved presentation to the streetscape and the Harbour. The western elevation requires changes to ensure the design outcome does not overwhelm the existing dwelling to be achieved by amended plans to delete the garage and replace it with a carport and gates, and resolution of details for entry to the dwelling house. Further consideration also needs to be given to the dormer space in terms of the stair access and space and the design of the dormers.

The panel considers a Deferred Commencement that requires amended plans, to be submitted for the approval of the Manager Development Services is necessary, to ensure a satisfactory outcome when viewed from the public domain.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
David Logan	Y				
Brendan Randles	Y				

The public meeting concluded at 4.08pm.

The Panel Determination session commenced at 4.15pm.

The Panel Determination session concluded at 5.00pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
3 November 2021