



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 5 APRIL 2023, AT 2.00PM.**

PRESENT

Chair:

Helen Lochhead in the Chair.

Panel Members:

Jan Murrell (Panel Member)
Michel Reymond (Panel Member)
Karla Castellanos (Community Representative)

Staff:

Stephen Beattie, Manager Development Services
Robin Tse, Acting Team Leader Assessments
Jim Davies, Executive Planner
Michael Stephens, Senior Assessment Officer

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

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

A public meeting was held for Item 1 as it received more than 10 objections. Items 2, 3 and 4 were determined in closed session as these items received less than 10 unique submissions each.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 1 March 2023 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.

Public Meeting**ITEM 1**

DA No:	418/21
ADDRESS:	37 Bay View Street, Lavender Bay
PROPOSAL:	Erection of Dwelling house and associated works
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	P Dugal C/- Architecture Saville Isaacs

Registered to Speak**3 Written Submissions**

Submitter	Applicant/Representative
Stuart Gordon - SJB Planning - representing owner of 39 Bay View	Bob Chambers - Director - BBC Consulting Planners representing applicant
Louis Heath - AED designs - representing owner of 39 Bay View	Steven Isaacs Principal Architect - Architecture Saville Issacs - representing applicant
Norman Blumenthal - resident	Dr Pradnya Dugal - Applicant - Observing Only
Anthony Boskovitz, Boskovitz Lawyers - representing neighbour	Dr Tej Dugal - Applicant - Observing Only
Henry Cheung - resident	Niall McAteer - Senior Town Planner - BBC Consulting Planners - Observing Only
Lauren Payne - resident	Xiaoxiao Cai - Architect - Architecture Saville Issacs - Observing Only

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all written submissions. The Panel has deferred this matter for an electronic determination following receipt of an amended set of plans and a supplementary report by Council Officers addressing the required design amendments and additional supporting information as necessary prepared by the applicant.

Design amendments

AA1. Within 21 days of receipt of this notice, the applicant must submit amended plans to Council for assessment. As soon as practicable following this assessment Council is to submit an addendum report to the Panel for electronic determination.

1. The amended plans must address the following:

- a) Increase the southern side boundary setback of the garage to a minimum of 900mm and increase the southern side setback of the 1st floor bedroom suite to 1.542m, to match the setback of the remainder of the house. The amended design must also address any other adjustments to the building, driveway or landscape design, to achieve the increased setbacks.
- b) Before submitting the amended design required by condition (a), the design must be assessed by a suitably qualified and experienced arborist (AQ5) and their assessment report submitted, to demonstrate the amendment does not negatively impact any of the three crepe myrtles on the footpath adjacent to and near the site. The report may include recommendations to effectively reduce, mitigate or avoid any potential impacts on those trees.
- c) Landscape the setback area between the garage and the southern boundary, to soften the appearance of the garage and maintain a view to the harbour between the proposed dwelling and the neighbouring dwelling at No 35 bay View Street.
- d) The roof garden is to be made accessible for maintenance and repairs only and the roof garden is to be marked as “non-trafficable” on the architectural plans.
- e) The floor to ceiling height windows and sliding doors to the eastern elevation of the 1st floor bedroom are to be replaced with a solid wall and/or window seat to a maximum height of 800mm, with windows from the top of the window seat to the ceiling. At least one of these windows must be openable to allow access to the roof and garden for maintenance and repairs.
- f) Reduce the depth of the awning over the ground floor balcony to a maximum of 1.0m. Install louvres, or similar, to both sides of the ground floor level balcony to the same depth as the awning. The louvres or similar are to be angled to reasonably maintain privacy for occupants of the proposed building and dwellings at 35 and 39 Bay View Street Lavender Bay.
- g) The solid to void ratio in the eastern harbour facing elevation shall be revised to reduce the amount of glazed area and increase the solid portions of the elevation, to comply with clause 1.4.12 Colours and Materials, Provision 4, of Part B, Residential, North Sydney Development Control Plan 2013.
- h) The lower levels of the eastern harbour facing elements are to be made visually recessive to reduce the visual impact of four levels by the use of recessive finishes and colours and the use of appropriate landscaping in the foreground.

- i) Replace the glass in the balustrades on the eastern elevation with “BL-3 Weathered Balustrade Brass Rods” as noted on drawing DA203, Revision D.
 - j) Install gates on each side of the house for the safety and security of companion animals and people.
 - k) Amend the plans to show that the solar panels will be installed to an angle of not more than 5 degrees of the horizontal (the roof surface).
2. Council is to address Chapter 10 of SEPP (Biodiversity and Conservation) 2021, as required by clause 6.65 Savings and transitional provisions of the SEPP.

The Panel requests the applicant prepare amended plans, and necessary information is to be submitted to council within 21 days from the date of this meeting. If no response is received to this request within the required time period, then the matter is to be determined by the Panel by electronic means.

Delegation is granted to the Manager of Development Services to determine whether renotification of the amended plans is warranted with reference to the Community Consultation Protocol prior to the matter being determined by electronic means.

Panel Reason:

The Panel has deferred the consideration of this matter due the number of design matters to be addressed including the impact on the neighbouring properties.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Michel Reymond	Y				

Items considered in Non-Public Meeting

ITEM 2

DA No:	312/22
ADDRESS:	40A McDougall Street, Kirribilli
PROPOSAL:	Extend trading hours of existing convenience store 7am – 11pm – 7 days
REPORT BY NAME:	John McFadden, External Consultant
APPLICANT:	Pierre Younes (Ezy MP Pty Ltd)

Registered to Speak

No persons elected to speak on this item.

1 Written Submission

Panel Determination

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

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

Panel Reason:

The Panel supported the revised hours of operation to ensure the amenity of the residential area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Michel Reymond	Y				

ITEM 3

DA No:	269/22
ADDRESS:	U2, 5 East Avenue, Cammeray
PROPOSAL:	A roof addition to an existing dwelling within a two storey attached dual occupancy to construct an additional bedroom with an ensuite.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Dieppe Design Pty Ltd

Registered to Speak**1 Written Submission**

Submitter	Applicant/Representative
	Edward Dieppe - Applicant
	James Dimic - representing applicant
	Anna Williams - Senior Town Planner at Watermark Planning
	Sarah McNeilly - Director Watermark Planning

Panel Determination

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

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 requests to the contravention of the Height of Buildings development standard in clause 4.3 and Clause 6.6 (1) (c) of the LEP, adequately address the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written requests demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written requests identified sufficient environmental planning grounds to justify the contraventions. Further, the Panel considers that the development is in the public interest because it is generally consistent with the objectives of the standard and the zone objectives.

The Panel notes concerns raised by a submitter that the Officer’s report and supporting information were not available on Council’s website until the Monday before the Panel meeting and a subsequent request for deferral. However, the Panel considers that the primary issue of concern being view loss has been well expressed in earlier submissions and adequately assessed in the officer’s report. In the circumstances a deferral is not considered warranted.

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

Panel Reason:

The Panel has carefully considered the impact on adjoining properties based on a merit assessment, and considers the proposal adheres to the view sharing principles and the impacts are not unreasonable given the extent of the views retained.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Michel Reymond	Y				

ITEM 4

DA No:	340/22
ADDRESS:	72 Kurraba Road, Neutral Bay
PROPOSAL:	Alterations and additions to an existing boarding house, relying on existing use rights, to provide two additional rooms and amenities within boarding rooms.
REPORT BY NAME:	Michael Stephens
APPLICANT:	Thomas Virgona

Registered to Speak

No Written submissions

Submitter	Applicant/Representative
	Thomas Virgona - Applicant

Panel Determination

The Panel members have undertaken independent site inspections 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 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 and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is generally consistent with the objectives of the standard and the zone objectives.

The Council Officer’s Report, Recommendation and Conditions are endorsed subject to the inclusion of the additional amendments requiring design changes.

Amendments to Rear Addition

C28. Amended plans are to be prepared prior to the issue of any construction certificate incorporating the following amendments:

- (a) The internal layout of Unit 6 on the ground floor level (Reference DA3.00 Rev 1) is to be amended to relocate the bathroom and kitchen to the northern side of the room to increase the usable portion of the room and provide a more regular room shape to allow for a more flexible and useful furniture layout.
- (b) The roof form over the rear addition (Reference DA4.00 Rev 1) is to be amended to provide a simple skillion roof form pitching downwards towards the eastern boundary (not more than 10%) from a parapet wall.
- (c) An additional door is to be provided into the communal living area within the western elevation (Reference 6.01 Rev 1) towards its southern end to improve the access into the communal living area from the rest of the building.

The amended plans are to be submitted to Council for written approval by Council’s Manager of Development Services.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, incorporates the amended plans approved in writing by Council’s Manager of Development Services.

(Reason: To improve the amenity of the boarding rooms and communal living space and provide a more characteristic roof form for the rear addition.)

Panel Reason:

To improve the amenity of the boarding rooms and communal living space and provide a more characteristic roof form for the rear addition.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Michel Reymond	Y				

The meeting concluded at 2:48pm.

The Panel Determination session commenced at 3:05pm.

The Panel Determination session concluded at 4:00pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
5 April 2023