



**NORTH SYDNEY COUNCIL**

Council Chambers  
21 June 2023

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 4.00pm on Wednesday 29 June 2023.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**THERESE MANNS  
GENERAL MANAGER**

**LPP01: 37 Bay View Street, Lavender Bay – DA 418/21**

Applicant: P Dugal c/- Architecture Saville Isaacs

Report of Jim Davies, Executive Planner

This supplementary report responds to amended plans and a revised arborist's report received from the applicant on 24 April 2023, within the 21-day timeframe set by the Panel.

This information was required by the decision of the Panel on 5 April 2023 which recommended deferral of the determination as follows:

**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 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.*

**Recommending:**

**THAT** the North Sydney Local Planning Panel, as the consent authority, grant its consent Development Application 418/21 to construct a dwelling house and associated works at 37 Bay View Street Lavender Bay, subject to the conditions in Attachment 1.