



NORTH SYDNEY COUNCIL

Council Chambers
6 July 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 3.00pm on Wednesday 13 July 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**

BUSINESS**LPP01: 50 Blues Point Road, McMahons Point – DA 13/7/23**

Applicant: P Redmond

Report of Miguel Rivera, Senior Assessment Officer

This application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* seeks to modify development consent (DA296/22) for alterations and additions to an existing semi-detached dwelling at No. 50 Blues Point Road, McMahon Point.

The application is reported to the North Sydney Local Planning Panel (NSLPP) because the proposed modification involves deleting a condition imposed by the Panel in accordance with the directions of the NSW Minister for Planning. Council's notification of the proposal has attracted no submissions during the notification period.

The proposed modification to delete Condition C1 has been assessed against Council's planning requirements. The proposed modification will result in development that is substantially and materially the same as approved by DA296/22 and is considered to demonstrate sufficient planning and design merit when assessed against relevant provisions and controls under environmental planning instruments (including the North Sydney Local Environmental Plan 2013). Condition C1 reads as follows:

C1 Design Changes – Southern Wall

The new southern wall that is situated in the lower ground, ground and first floor levels of the dwelling must have a minimum setback from the side (southern) boundary to align with the setback of the existing southern wall.

(Reason: To mitigate the impact on the adjoining property and maintain the view corridor from the public domain to the water.)

Prior to the lodgement of the subject application, Council received adequate information and correspondence from the Applicant's Architect, who provided sufficient detail pertaining to the new southern wall forming part of the approved alterations and additions. It is noted that this wall replaces an existing wall (to be demolished) that has a nil setback to the southern side and features a stepped form and a setback from this boundary. Any additional wall is setback from the southern side boundary and the proportion that is on the boundary replaces the current wall. Accordingly, the deletion of the imposed condition and the progression of the approved development as per the current stamped plans will not diminish the intent of the condition. Council is of the view that the design, as approved and shown on the plans, will have a reasonable and acceptable extent of impacts on the neighbouring property and will maintain the view corridor from the public domain to the foreshore/water. In light of the above, the proposed modification is found to be acceptable and the application is recommended for approval.

Recommending:

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council approve the modification of development consent DA296/22 dated 3 May 2023 in respect of a proposal for alterations and additions to an existing semi-detached dwelling at No. 50 Blues Point Road, McMahons Point under the provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* only insofar as will provide for the following:

- 1. To delete Condition C1 – Design Changes – Southern Wall**