



NORTH SYDNEY COUNCIL

Council Chambers
10 June 2022

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 4.30pm on Wednesday 15 June 2022 when your attendance is requested.

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.

ROB EMERSON
ACTING GENERAL MANAGER

BUSINESS

Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 1 June 2022.
(Circulated)

LPP01: 182 Kurraba Road, Kurraba Point - DA 333/19/4

Applicant: David Rahme

Report of Stephen J Beattie, Manager Development Services

This application under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EPA Act) seeks to further modify Council's consent No. DA 333/19 for alterations and additions to convert a duplex into a residential flat building with strata subdivision and is reported to the North Sydney Local Planning Panel (NSLPP) for determination as the application involves the modification of a condition imposed by the NSLPP.

The modification application was originally considered by the panel at its March 2022 meeting. At this meeting it was deferred with the decision calling for amended plans with delegation to the Manager of development services to determine those plans.

The matter was subsequently re-considered by the panel at its 1 June 2022 meeting. Amended plans were submitted but for practical reasons did not fully meet the panels earlier decision.

A number of objections were raised by a submitter. Further concerns were raised that advice had been given that the meeting was not to be public, but in fact was. Current directives from the Department of Planning require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection. Applicants can be allowed to attend pre determination briefings in all cases. While the logic behind this directive might be questioned it remains in place. In this case the meeting was the subject to the one zoom link and remained open giving rise to the potential for confusion. The Panel having regard to these concerns determined;

“Panel Determination:

The Panel members have undertaken independent site inspections where necessary prior to the meeting and have considered all submissions received prior to determination, both written and oral. Having regard to all the circumstances of the matter it has been deferred for electronic determination at a time and date to be advised on Council's website and to the applicant and interested parties.

Panel Reason:

While correct procedure appears to have been observed, concerns have been raised by a submitter that confusion arose over whether this matter was to be heard publicly or in closed session. Given the nature of those concerns it is considered the matter should be deferred to allow an oral submission to be made.”

Given the circumstances it is considered appropriate for this matter to be determined publicly even though this is not in strict accordance with current guidelines. Procedures and information available to the public are currently under review to ensure that the chance for misunderstanding in the future is minimised.

One issue raised by the submitter being a current elected Councillor, is the reasoning behind the reporting of this matter by a member of Council staff. It must be remembered that the matter was originally reported to the Panels March 2022 meeting with that report being completed externally by a consultant planner. The panel adopted that Recommendation for approval

subject to amended plans and granted delegation to the Manager to determine.

The Manager formed a view that the resulting outcome at the lower ground floor level was not practical and the applicant submitted amended plans addressing this concern. However, this moved the matter outside of the exact wording of the Panels determination bringing about a need to again bring the matter to the Panel. In the circumstances the additional report prepared by a member of Council staff to the Independent Local Panel of Experts which did not contradict the findings of the External Assessor or the Local Panel would seem to provide adequate transparency and fairness in the circumstances.

Other matters raised regarding the accuracy of the information used to determine earlier applications have been dealt with in previous reports and the panels early determinations.

The previous reports relating to Modification 4 are attached for the panel's consideration and the recommendation for approval remains appropriate. Submissions made in regards to this matter are available in full for the panels review.

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA 333/19 dated 24 April 2020 (as amended 2 June 2021) in respect of a proposal for alterations and additions to convert a duplex into a residential flat building with strata subdivision at No. 182 Kurraba Road, Kurraba Point under the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979* only insofar as it will provide for the following:

To delete Condition A1 and C18 of the consent and insert in lieu thereof the following new conditions, namely:

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions and this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
DA_100_00	08	Proposed lower ground floor plan (lower)	Daniel Younan & Assoc	23/05/22
DA_100_10	08	Proposed lower ground floor plan (upper)	Daniel Younan & Assoc	23/05/22
DA_100_20	06	Proposed ground floor plan	Daniel Younan & Assoc	24/09/21
DA_100_30	06	Proposed level 1 floor plan	Daniel Younan & Assoc	24/09/21
DA_100_40	07	Proposed level 2 floor plan	Daniel Younan & Assoc	15/03/22
DA_100_50	07	Proposed roof plan	Daniel Younan & Assoc.	15/03/22
DA_200_00	07	Proposed south elevation	Daniel Younan & Assoc	15/03/22
DA_200_01	07	Proposed north elevation	Daniel Younan & Assoc	15/03/22
DA_200_02	06	Proposed east elevation	Daniel Younan & Assoc	24/09/21
DA_200_03	06	Proposed west elevation	Daniel Younan & Assoc	24/09/21
DA_300_00	07	Section A-A	Daniel Younan & Assoc	15/03/22
DA_300_01	07	Section B-B	Daniel Younan & Assoc	15/03/22
DA_400_00	05	Finishes and materials	Daniel Younan & Assoc	13/04/21
L-01/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20

L-02/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
DA_800_00	04	Draft Strata Sheet 1	Daniel Younan & Assoc	02/02/20
DA_800_01	04	Draft Strata Sheet 2	Daniel Younan & Assoc	02/02/20
DA_800_02	04	Draft Strata Sheet 3	Daniel Younan & Assoc	02/02/20

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Privacy

C18. The following privacy devices are to be provided:

Privacy Measures	Windows/location details
Ensuite Windows - Obscure or frosted glazing to whole window.	W39
Doors/Full Height Windows - Obscure or frosted glazing to lower part to a minimum height of 1500 mm above the finished floor level.	W16; W26; W37; W41
Windows - Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour's windows.	W17; W18; W27; W28; W40
Privacy Screens - Balconies Solid balustrades and obscure or frosted glass screens to a height of 1.6 m above finished floor level are to be provided to the northern edges of balconies at the nominated locations.	Balcony on the northeast corner on: Level 2

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties located at Nos. 176 and 178 Kurraba Road)

And Subject to the addition of the following condition:

Work near property boundaries

E23 No approval is given or implied to any works which encroach upon adjoining properties. Any works which impact on structures on adjoining properties shall only be carried out in consultation with the owners of those properties. Where those works are not determined to be "consistent" with this consent further modification to this consent is to be sought before those works are carried out.

(Reason: Statutory compliance)