



NORTH SYDNEY COUNCIL

Council Chambers
26 April 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 2.00pm on Wednesday 3 May 2023 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.

THERESE MANNS
GENERAL MANAGER

BUSINESS

Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 5 April 2023.

(Circulated)

LPP01: 58 Cowdroy Avenue, Cammeray – DA 60/22

Applicant: Paul Etherington

Report of Sophie Perry, Planning Ingenuity, Town Planning Consultants

This development application seeks approval for demolition of the existing dwelling and ancillary structures and construction of a dwelling house and associated works including a guest suite and a swimming pool at No.58 Cowdroy Avenue, Cammeray.

The application is reported to North Sydney Local Planning Panel for determination in accordance with the directive of the Ministry for Planning, Industry and Environment as it involves a variation to the North Sydney Local Environmental Plan 2013 (NSLEP 2013) in excess of 10%. The maximum proposed variation to the height of buildings control is 2.25m which is a variation of 26.7%.

Notification of the original proposal as lodged with the Development Application resulted in a total of ten (10) unique submissions of which seven (7) were in support and three (3) were objections.

Notification of the amended application resulted in six (6) unique submissions objecting to the proposal.

The issues raised in objection to the proposal are summarised as follows:

- Non-compliance with LEP and DCP controls, primarily the height of buildings control
- Visual impact, bulk and scale
- View loss and view sharing
- Overlooking and loss of privacy
- Inaccuracies in plans

This assessment has considered the issues raised in submissions as well as the performance of the amended proposal against the relevant planning requirements and the suitability of the site and its context and setting. The proposed development has been assessed in accordance with the matters for consideration as outlined in section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and is found to be satisfactory subject to recommended conditions.

Demolition is permitted only with development consent.

Dwelling houses are permitted only with development consent in Zone C4 – Environmental Living.

The proposal meets the relevant provisions of NSLEP 2013 with the exception of the northern edges of the entry level roof and part of the roof to the upper floor level which exceed the maximum permitted building height. A written request pursuant to Clause 4.6 of NSLEP 2013 has been submitted to address the variation. The clause 4.6 request is considered to be well founded because the Clause 4.6 variation request:

- Demonstrates the proposal achieves the relevant objectives of Clause 4.3 Height of Buildings to NSLEP 2013 despite numeric non-compliance;
- Demonstrates the proposal is consistent with the objectives for development in Zone C4 – Environmental Living; and

- Identifies satisfactory environmental planning grounds that justify some sections of the dwelling exceeding the numeric height control that are specific to the site and the proposed development.

The development is generally in accordance with the relevant objectives and requirements of the applicable State Environmental Planning Policies and with North Sydney Development Control Plan 2013 (NSDCP 2013) and where variations are proposed, the objectives are satisfied in the specific circumstances of this case.

Recommended conditions include:

- Privacy screens to parts of the upper level balcony and to the outdoor kitchen
- Additional planting within the foreshore area and setback to the western side boundary
- Minor changes to roof materials and external finishes to reduce reflectivity and visual impact
- Specific management plans during construction for traffic and pedestrian management, geotechnical risk management plan, tree protection and retention, vibration calibration and management, dilapidation reports for neighbouring assets including Council's road and footpath and retaining walls

The new dwelling has a built form, scale, layout and character which is compatible with the wide diversity of neighbouring and nearby dwellings oriented to the waterway and along the local foreshore. The construction and the use of the new dwelling and ancillary garage and swimming pool will not result in unreasonable impacts to neighbouring properties and the adjoining foreshore and public domain with consideration to construction impacts, traffic impacts, solar access, view sharing, privacy, tree and vegetation management, landscaping, materials, colours and finishes, on-site parking and vehicle access subject to recommended conditions.

The proposed development is considered a reasonable and appropriate outcome for the application of planning controls and objectives to the specific features and context of the site and its setting.

It is recommended the application be approved subject to conditions of consent.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, as the consent authority under delegation from the General Manager, grant consent to Development Application No. 60/22 for demolition of the existing dwelling and construction of a new dwelling, swimming pool and landscaping as well as construction of additional road pavement and retaining walls within Cowdroy Avenue Road reserve at No.58 Cowdroy Avenue, Cammeray, subject to the attached Standard conditions and site specific conditions.

LPP02: 50 Blues Point Road, McMahons Point – DA 296/22

Applicant: P Redmond

Report of Miguel Rivera, A/Team Leader (Assessments)

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing semi-detached dwelling including two (2) new dormers and rear extension on land identified as No. 50 Blues Point Road, McMahons Point, and legally described as Lot 2 in DP 748831.

The application is required to be reported to the NSLPP for determination, as directed by the NSW Minister of Planning, as the development application involves a departure from a development standard that is greater than 10%.

Council's notification of the original plans has attracted a total of seven (7) submissions from five (5) individual addresses, raising concerns regarding setbacks, visual bulk and scale, materiality and colouration, amenity, impacts associated with view loss, amenity and solar access, and noise and disturbance arising from construction works.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 (NSLEP 2013), North Sydney Development Control Plan 2013 (NSDCP 2013) and the relevant State Planning Policies (SEPPs). The application involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013 as the proposal features a building height of 12.98m (for the rear dormer) above existing ground level. This represents a departure of 4.48m or 52.7% from the development standard of 8.5 meters. It is noted that the existing semi-detached dwelling comprises a maximum height of 13.83m above ground level and therefore, features a pre-existing departure of 62.7%. The proposed elements sit well below this existing roof ridge and are mostly contained within the first floor, ground floor and lower ground floor levels of the dwelling. The Applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported given that sufficient environmental planning grounds were provided and the included information has demonstrated that compliance with this development standard is unreasonable or unnecessary.

The site contains a neutral item and is located within the McMahons Point South Conservation Area (CA14). The proposed development primarily involves components situated to the rear and will not be highly visible from Blues Point Road nor deliver strong contribution and prominence to the visual catchment of the conservation area and public domain. Notwithstanding, the proposed front dormer will be visible and further diminish the neutral character of the building and is therefore, not supported. The proposed new built form (except the front dormer) is considered to be appropriately responsive and sympathetic to the site constraints and context, and is considered to have a neutral impact on the established character of the conservation area.

Having regard for the context of the site and the applicable environmental planning controls the proposed development will generally deliver an appropriately balanced and responsive planning and design outcome that enables a renovation and minor extension of the semi-detached dwelling,

whilst not generating significant and adverse impacts upon the environment, neighbouring properties and the community. The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval, with conditions to delete the front dormer element.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council, assume the concurrence of the Secretary of the Department of Planning, Industry and Environment, and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 – Maximum Height of Buildings and grant consent to Development Application No. DA296/22 for alterations and additions to an existing semi-detached dwelling on land at No. 50 Blues Point Road, McMahons Point (Lot 2 in DP 748831) subject to the following site specific and attached standard conditions:

Design Changes – Heritage and Wall Vegetation

C1. The following design changes must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The front dormer in the attic level and any associated annotations and references to this element, must be deleted from all plans/drawings and construction certificate documentation.
- The existing wall vegetation along the southern elevation must be retained/preserved and protected. New wall vegetation is to be continued and established along the southern elevation of the new wall to improve its presentation when viewed from neighbouring properties.

(Reason: To improve the design response of the approved development to the streetscape setting and character of the conservation area and to soften and minimise visual bulk of the southern wall)

LPP03: 36 Victoria Street, McMahons Point - DA 405/22

Applicant: Rebecca Lim

Report of Rachel Wu, Graduate Assessment Officer

This development application seeks approval for alternations and additions to a heritage listed sandstone cottage built over two lots including internal and external alterations to the original sandstone cottage and removal and replacement of more recent contemporary building works.

The development application is reported to North Sydney Local Planning Panel for determination in accordance with the Minister's Directions as the proposal involves partial demolition of a local heritage item.

The subject site was previously approved for Torrens title subdivision to create two lots (No.34 and No.36 Victoria Street) by adjusting the property boundary under DA335/17 by the North Sydney Independent Planning Panel on 6 December 2017.

Proposed works to the heritage significant sandstone cottage consists of the replacement of ceilings, replacement of a fire place mantle, infilling of an 'alcove' area between the sandstone cottage and the existing contemporary northern addition, provision of a flat steel canopy with two skylights spanning from the proposed garden area west of the Living space to approximately 15cm behind the front external wall of the sandstone cottage, replacement of sandstone porch at the front of the cottage, replacement of existing pavers for concrete at the pedestrian entry from Victoria Street, demolish and expand elsewhere on the subject site including expansion of the Living, Dining and Kitchen, construction of expanded rear decks, expansion of the first-floor balcony on Lot 4, and landscaping works.

Council's Conservation Planner has assessed the impact of the proposal on the heritage significance of the heritage listed cottage and the heritage items in the vicinity of the site will be minimal subject to conditions and the Union/Thomas/Bank Streets Conservation Area will be minimal. However, a portion of the proposed works are not supported, including the infilling of 'alcove', setback of the front entry corridor (to remain), sandstone floor of the porch (to remain), deletion of the W03 window in the sandstone cottage ensuite, ceilings within the sandstone cottage (to remain).

Concern is also raised in relation to the replacement of the first-floor balcony to the contemporary addition on Lot 4. The proposed extension of the balcony towards Victoria would project beyond the existing setback of buildings in Victoria Street, would be uncharacteristic and is not supported. Conditions are recommended to require the existing balcony to be retained. The application has been notified in accordance with Council's Community Participation Plan and no submissions have been received in response to the proposal.

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory. Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for approval subject to conditions.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. **405/22** for alterations and additions to a detached dwelling over two lots on land at 36 Victoria Street McMahons Point subject to the following site specific and standard conditions:

No consent for subdivision

- A4. No consent is granted or may be inferred under this consent for any subdivision of land. Separate and further consent must be obtained for subdivision.

(Reason: To clarify that existing lot boundaries are to be retained)

Proposed extension of front balcony

A5. The proposed extension of the front balcony from 1.8m to 2m is not permissible due to inconsistency with adjoining dwelling houses.

(Reason: To ensure consistency in front setbacks in compliance with Area Character Statement in NSDCP 2013)

Setback of the front entry corridor

A6. The existing setback of the front entry corridor to remain as existing and the affixing of the new corridor enclosure is to be undertaken by utilising the mortar joints in the sandstone of the cottage. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Steel canopy

A7. The proposed materials for the steel canopy are to be of a lightweight contemporary design and the setback to remain in accordance with condition A6. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Subsurface ventilation grilles to remain uncovered

A8. The subsurface ventilation grilles are to always remain uncovered and unobstructed to ensure the ongoing ventilation of the building structures. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To ensure residential amenity)

Existing sandstone floor of the Porch to remain in-situ

A9. The existing sandstone floor of the porch is to remain in situ. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Replacement of Doors

A10. The replacement of the existing bathroom door and the ledged door connecting to the kitchen/living/dining area is to be of the period appropriate to the stone cottage. The proposed bathroom door is to remain in its current position, otherwise details of the existing door dimensions, architraves and skirtings are to be reinstated. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Replacement of Mantle in Study

A11. The replacement of the mantle relating to the fireplace in the Study is to be a mantle appropriate to the period of the cottage. Details relating to

the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Infilling of rear 'alcove' north of the sandstone cottage

A12. The proposed work to infill the 'alcove' between the existing sandstone cottage and the existing kitchen area in the later contemporary addition is to be deleted. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Proposed ensuite window W03 to the sandstone cottage

A13. The proposed ensuite window W03 on the eastern elevation is to be deleted.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Replacement of ceilings in the front rooms of sandstone cottage

A14. The proposed works to replace the slat and batton ceiling within Bed 1 and Robe are to be deleted. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.

(Reason: To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site)

Roof top area must be non-trafficable

I1. The flat roof top area above the rear terrace should not be used as an outdoor recreation area and is to remain non-trafficable at all times only to be used for garden maintenance of the roof top garden beds and/or solar panels.

(Reason: To maintain residential amenity)



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