



northern  
beaches  
council

# MEMORANDUM

**DATE:** 15 June 2023  
**TO:** Development Determination Panel (DDP)  
**FROM:** Megan Surtees, Planner

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The purpose of this memo is to advise the Panel that additional information has been provided to Council to address a number of issues raised by the Panel during the meeting.

- **Issue 1 – characterisation of the proposed development**
- **Issue 2 - privacy**
- **Issue 3 – confirmation of accurate floor space ratio/gross floor area calculations**

## Issue 1

The Statement of Environmental Effects has been updated to include a detailed response to the Panel's concern as to whether the characterisation of the proposed development is alterations and additions or a new development. The Applicant's response was undertaken against the Planning Principle established by the New South Wales Land and Environment Court within *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187.

Council concurs with the Applicant's detailed response, and Council can be satisfied that the characterisation of the development as 'alterations and additions' is appropriate.

## Issue 2

Concern was raised regarding the windows along the eastern elevation of the proposed first floor level. As a result, drawings no. A.04 Rev C 'First Floor' dated 14/06/23 and drawing no. A.05 Rev C 'North + East Elevation' dated 14/06/23 have been amended to show frosted treatments to windows W18 – W22, inclusive. Additionally, all windows along this elevation have been amended to have a sill height of 1.6 metres when measured from the finished floor level of the proposed first floor level.

Council can be satisfied that these amendments appropriately address privacy concerns.

## Issue 3

Concern was raised regarding the calculation of gross floor area, and subsequent floor space ratio, of the proposed development. The Applicant has included, within the Statement of Environment Effects, an extract of the architectural plans (drawing no. A.07 Rev B 'Sections' dated 9 March 2023) that shows two (2) flights of stairs within the dwelling and one (1) lift shaft. In accordance with recent caselaw (*Connoisseur Investments Pty Ltd v Sutherland Shire* [2020] NSWLEC 1181), Council can

be satisfied that the gross floor area and floor space ratio has been measured and calculated correctly.

## Recommendation

The Panel note the additional information provided.

The following is recommended to amend section (a) 'Architectural Plans – Endorsed with Council's stamp of **Condition 1. Approved Plans and Supporting Documentation**:

### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A.01 Rev B. Site Plan + Site Analysis	9 March 2023	Gartner Trovato Architects
A.02 Rev B. Lower Ground	9 March 2023	Gartner Trovato Architects
A.03 Rev B Ground Floor	9 March 2023	Gartner Trovato Architects
A.04 Rev C First Floor	14 June 2023	Gartner Trovato Architects
A.05 Rev C North + East Elevation	14 June 2023	Gartner Trovato Architects
A.06 Rev B South + West Elevation	9 March 2023	Gartner Trovato Architects
A.07 Rev B Sections	9 March 2023	Gartner Trovato Architects