



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

MONDAY 11 APRIL 2022

**Minutes of a Meeting of the Development Determination Panel
Electronically determined on Monday 11 April 2022**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.3 DA2021/1020 - 41 GURNEY CRESCENT, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Tony Collier (Former Chairperson) Formerly Acting Manager, Development Assessment

Steven Findlay Manager, Development Assessment

Phil Jemison Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

This matter was the subject of a Panel meeting held on 9 March 2022 and was deferred as follows:

The Development Determination Panel, on behalf of Northern Beaches Council as the consent authority, defers determination of Application No. DA2021/1020 for alterations and additions to a Dwelling House on land at Lot 5 in DP 1013813, 41 Gurney Crescent SEAFORTH, for the following reason:

1. *Amended plans are to be received to address view sharing and visual privacy.*

The amended plans are to be submitted to the Council by 16 March 2022 otherwise the application will be determined on the information currently provided. Following receipt of this information, the application will be re-notified for a period of 7 calendar days to the neighbouring properties at No. 35A Gurney Crescent and No. 43 Gurney Crescent. On conclusion of the re-notification period, and consideration of any further submissions received, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

In response, the applicant submitted amended plans on 16 March 2022 and advised that the following amendments have been made to the original scheme:

- *The stairs from the Entry to the Ground Floor have been redesigned and relocated to further enhance view sharing from 35A Gurney Crescent. As a result, the building-line of the proposed dwelling now sits to the east of the building-line of 35A Gurney Crescent. Furthermore, the terrace has been extended to run the length of the western side of the proposed dwelling.*
- *The applicant has added a 1.5m high by 1.8m wide privacy screen to the north of the proposed dwelling's terrace to provide additional privacy to 35A Gurney Crescent.*
- *The applicant has added privacy screens to windows W6, W14, W16 and W17 to prevent the potential to overlook 43 Gurney Crescent, and reduce perceptions of being overlooked by 43 Gurney Crescent.*
- *The proposed dwelling sits above the building envelope of 43 Gurney Crescent, so the potential to overlook the private open space of 43 Gurney Crescent is downwards, and prevented by horizontal screening.*

The re-notification of the amended plans to the two adjoining landowners was undertaken on 17 March 2022.

Special Note - *On 18 March 2022, the Chair of the DDP left the employment of Northern Beaches Council, however, the former Chair formally recorded his position with respect to the amended*

scheme and those amendments addressing and satisfying his concerns based on the panel's deliberations before his departure. Hence, the remaining panel members were able to rely upon that recorded position in its finalization of the matter.

Further submissions were made by the owners of No. 35A Gurney Crescent and No. 43 Gurney Crescent. The submissions also requested a further public meeting of the Panel to address on the amended scheme.

In summary, the amended plans included; the relocation of the stair structure, the extension of the terrace, the introduction of a privacy screen to the north elevation of the terrace and the introduction of privacy screens to the south elevation.

The Panel notes that the amended scheme has also extended that Ground Floor Living Level and Entry Level to the west by 600mm. This change was not requested by the Panel.

The main issues associated with the consideration of the application at the Panel Meeting on 9 March 2022 are dealt with by the Panel as follows

View Sharing

The amendments to the plans satisfy the Panel in relation to reducing the impact on Sydney CBD views from the main living level balcony of No. 35A Gurney Crescent. The submissions made by the owners of No. 35A to the amended plans are noted and do not warrant further amendment or the refusal of the application.

Privacy

The amendments to the plans satisfy the Panel in relation to avoiding direct overlooking of No. 43 Gurney Crescent. The submissions made by the owners of No. 43 Gurney Crescent to the amended plans are noted and do not warrant further amendment or the refusal of the application.

Overshadowing

The Panel is satisfied that the overshadowing of No. 43 Gurney Crescent as detailed in the assessment report is consistent with the provisions of the MDCP 2013.

The submissions made by the owners of No. 43 Gurney Crescent to the amended plans are noted and do not warrant further amendment or the refusal of the application.

Building Height

A review of the building height has confirmed that the proposed height is as detailed in the assessment report, which is 9.67m.

Finally, the Panel do not support the extension of the Ground Floor Living and Entry Level by 660mm to the west and will impose a suitable condition to require the western dimensions of the original scheme to be maintained.

The Panel are satisfied with the amendments made to the proposal (except for the extension of the Ground Floor Living and Entry Level) and that the application should be approved based on the revised plans

STATEMENT OF REASON

As detailed above.

COMMUNITY CONSULTATION

Issues raised in the original scheme were taken into account in the assessment report and at the initial meeting. The issues raised in response to the amended scheme have been addressed above.

The Panel decided not to hold a further public session with those residents that were notified of the amended plans, on the basis that the original written submissions and verbal submissions made to the Panel and the written submissions made in relation to the amended plans were sufficient for the Panel to consider the amended application and make a determination.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

DECISION ON DEVELOPMENT APPLICATION

THAT Council as the consent authority approve the determination of Development Application No. DA2021/1020 for alterations and additions to a Dwelling House on land at Lot 5 in DP 1013813, 41 Gurney Crescent SEAFORTH, subject to the conditions contained in the Assessment Report, as amended by the following revised conditions:

Condition 1

Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1/ Roof Plan (Rev B)	16 March 2022	Sally Gardner Design andDraft

A2/ First Floor Plan (Rev B)	16 March 2022	Sally Gardner Design andDraft
A3/ Ground Floor Plan (Rev B)	16 March 2022	Sally Gardner Design andDraft
A4/ Entry (Rev B)	16 March 2022	Sally Gardner Design andDraft
A5/ Garage Roof (Rev B)	16 March 2022	Sally Gardner Design andDraft
A6/ Garage (Rev B)	16 March 2022	Sally Gardner Design andDraft
A7/ Elevation Sheet 1 (Rev B)	16 March 2022	Sally Gardner Design andDraft
A8/ Elevation Sheet 2 (Rev B)	16 March 2022	Sally Gardner Design andDraft
A9/ Sections Sheet 1 (Rev B)	16 March 2022	Sally Gardner Design andDraft
A10/ Sections Sheet 2 (Rev B)	16 March 2022	Sally Gardner Design andDraft
S1/ Site Plan and Calculations	16 March 2022	Sally Gardner Design andDraft
S2/ Site Management/ Sediment and Erosion control/ Stormwater Concept Plan (Rev B)	16 March 2022	Sally Gardner Design andDraft
N1/ Notes and Basix Commitments (Rev B)	16 March 2022	Sally Gardner Design and Draft

Reports / Documentation – All recommendations and requirements contained within:		
Report	Dated	Prepared By
Bushfire Risk Assessment	29 March 2021	Matthew Willis
Geotechnical Assessment Report	18 May 2021	White GeotechnicalGroup
BASIX Certificate No. A378704_05	16 March 2022	Sally Gardner Design andDraft

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	10 June 2021	Peter Coventry

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Condition 9

The following amendments are to be made to the approved plans:

- a. The proposed living room windows (Labelled as W13) is to have a sill height of at least 1.6m above finished floor level, or be fixed and frosted below 1.6m.
- b. The provision of a 1.5 high x 1.8m wide privacy screen to the southern edge of the terrace located off the living room at ground floor level as shown on the approved plans. This screen is to match the approved screen as shown on the northern side of the terrace.
- c. The western extent of the additions on the Ground Floor Living and Entry Level are to be maintained as per the original scheme. In this regard, the 660mm extension as shown in the plans dated is not approved and the maximum length of the additions is to be 9.930m from the outer face of the existing western wall on the Ground Floor Level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote: 2/0

This is the final page of the Minutes comprising 8 pages numbered 1 to 8 of the Development Determination Panel meeting held on Monday 11 April 2022.