

21 July 2025



Nirav Madhok
44 Wandeen Road
CLAREVILLE NSW 2107

Dear Sir/Madam,

Development Application No: DA2025/0755 for Alterations and additions to a dwelling house including a garage at 44 Wandeen Road, Clareville.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

1. Insufficient information

- Demolition to walls on lower ground floor level noted in red dashed line, however the approved BIC plans demonstrate that these walls do not exist or have already been removed.
- Outer side walls (currently brick) are shown on the plans as existing (solid black lines); the elevational plans demonstrate new external weatherboard cladding. Are these brick walls to be demolished? Site inspection indicated that removal of these walls may occur given the state of the brick walls.
- No southern elevation of the dwelling house has been provided.
- Is the flooring to be demolished and re-constructed? Site inspection indicated likelihood of floor being removed, given current state.

Further clarification is required in reference to the above points.

2. Alterations and Additions

Further information is required in relation to what structures will be retained and demolished, as referenced in Point 1.

The judgment of *Coorey v Municipality of Hunters Hill* provides appropriate considerations for determining whether a development application should be characterised as “additions and alterations” or an application for “a new building”.

A qualitative and a quantitative analysis of what is proposed, compared to what is currently in existence/ to be retained shall be provided in accordance with those considerations provided under this judgment.

3. Side Building Envelope

Clause D1.11 Building Envelope requires development to be sited within a 3.5m building envelope to ensure the bulk and scale of the built form is minimised. It is



noted that where the building footprint is situated on a slope over 16.7 degrees (i.e. 30%), variation to this control will be considered on a merit basis.

When comparing the development to the usual 3.5m prescribed envelope control, it is evident that a breach will occur to the western garage wall and the eastern side of the dwelling house. Figure 1 below demonstrates the existing breach in yellow due to the existing building footprint. The red shading indicates the new breach to the rooftop terrace.

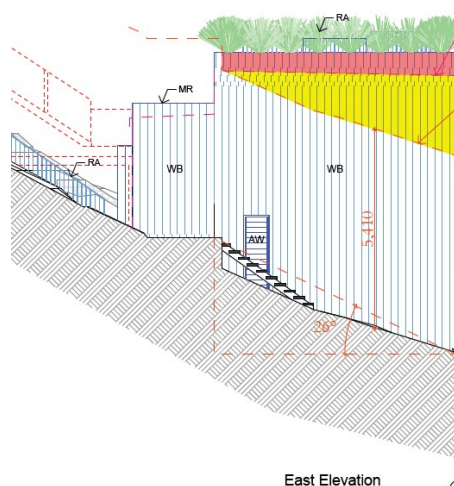


Figure 1: East Elevation - Envelope Breach

This rooftop is not supported based on the non-compliance to this control and the visual impacts as discussed in Point 3. The rooftop will not achieve the required outcomes of Clause D1.11 Building Envelope.

The envelope breach to the garage may be supported due to the site constraints.

4. Visual Privacy

Clause C1.5 Visual Privacy stipulates that private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9.0m, by building layout, landscaping, screening devices or greater spatial separation.

The rooftop terrace is considerably large in size and is likely to contribute to adverse visual privacy impacts/overlooking to the adjoining properties to both the east and west. The roof top terrace is located within 9.0m of neighbouring balcony structures/outdoor open space areas. The rooftop planting will not acceptably protect the visual privacy to these properties. And any other privacy element would be located outside the prescribed side building envelope and building height. This roof top is to be removed from the application and replaced



with a standardised roof design. In addition, the large spiral staircase accessing the rooftop to the external western façade will further contribute to the visual privacy impact and shall be removed.

The lower-level balcony shall consist of a privacy screen to the eastern and western edges, if this area consists of an outdoor bathroom design.

5. Interdepartmental Referral – Landscape Officer

An Arboricultural Impact Assessment (AIA) and a Landscape Plan accompany the application and are assessed as part of this Landscape Referral.

There are discrepancies in documents with the plans indicating an existing street tree which is not sighted and therefore has been removed beforehand. It is noted that the AIA report indicates that the street tree is not present.

Landscape Referral do not support the application in terms of landscape setting outcomes in its current form due to the impacts from the proposed stairs at grade in close proximity to existing trees identified in the AIA report as trees 2 (Grey Ironbark) and 3 (Spotted Gum). Plan number DA12 indicates proposed stairs on natural ground and such construction will impact the upon the long-term retention of trees 2 and 3 and the high impact is identified in the AIA report. Additionally, it is noted in the AIA reports that post footings and suspended stairs decking is discussed. This option of a suspended structure above existing ground may result in reduced impacts to trees 2 and 3 and should be reviewed as a design alternative that may be accepted. Alternatively, it is suggested that the existing stairs access route should be utilised and improved, if necessary, as this presents no impacts to existing trees.

The Landscape Plan is noted and shall be reviewed following receipt of the information relating to the preservation of trees 2 and 3.

Furthermore, Landscape Referral are not in support of road reserve verge encroachments with structures unless unavoidable, and this matter shall be dealt with by the Assessing Planning Officer.

The proposal is therefore unsupported.

6. Objector's concerns

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant



Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer one opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements before lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.



As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 20 June 2025 and 31 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact **Brittany Harrison** on 1300 434 434 during business hours Monday to Friday.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'B. Harrison'.

Brittany Harrison
Planner