

31 July 2025



Stephen B Nicol  
38 Judith Street  
SEAFORTH NSW 2092

Dear Sir/Madam,

**Development Application No: DA2025/0793 for Alterations and additions to a dwelling house at 38 Judith Street SEAFORTH.**

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:

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

1. **Floor Space Calculation Plans**

The FSR plans should include the area excluded to the first floor as it includes gross floor space. See the area excluded below:



Please provide a revised FSR plan that correctly included all the required areas.

- **Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

1. **Clause 4.1.4.1 Street Front Setbacks Concerns**

Concerns are raised with the proposed front setback to the western portion of the balcony. The proposal will encroach into the prevailing building line of Judith Street, which generally steps back to the western portion of the dwelling houses. The roof form to the balcony should also step back to the western portion to compliment the prevailing building line. As such, greater compliance with the Clause is required.



## 2. Clause 4.1.10 Fencing Concerns

The proposal results in a front fence at a maximum height of 1.65m and should be amended to reflect a maximum fence height of 1.5m to ensure compliance with the Clause.

### 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](mailto: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 27/06/2025> and 34 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 Lachlan Rose on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Lachlan Rose  
Planner