

27 August 2025



Tesserarch Pty Ltd  
31 Woodstock Road  
CARLINGFORD NSW 2118

Dear Katie,

**Development Application No: DA2025/0857 for Demolition works and construction of a dual occupancy with strata subdivision at 47 Blackbutts Road FRENCHS FOREST.**

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:

- **Issues**

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

**1. Built form**

The site is subject to a 4.0m / 45-degree side building envelope control. The proposed first floor breaches this envelope by up **1.4m** at the northern elevation and **1.6m** at the southern elevation. This non-compliance results from a built form that lacks sufficient articulation and minimal first-floor side setbacks.

The extent of these departures exacerbates the perceived visual bulk and adversely impacts the amenity of the adjoining properties. A reduction in building mass and increased first-floor setbacks are therefore required.

**2. Landscaped Open Space**

The proposal provides a landscaped open space (LOS) of 33.2% (231.9m<sup>2</sup>), whereas the DCP requires a minimum of 40%.

It is noted that the 'Area Calculation and Compliance' plan and the Statement of Environmental Effects (SEE) indicate compliance with this control; however, this includes the covered turf area below the first-floor bedrooms and areas that are less than 2.0 metres in width and therefore does not meet the minimum requirements.

Given the absence of significant environmental constraints, the LOS non-compliance is considered an inappropriate outcome for a knock-down-rebuild development.

Accordingly, the proposal is inconsistent with the objectives of the control and is considered unsatisfactory, as it fails to provide adequate deep soil areas



for substantial planting. LOS is critical for enabling effective screening vegetation and stormwater infiltration.

It is recommended that the development be amended to achieve full compliance with this control.

- **Insufficient information**

The following matters must be addressed:

1. Owner's consent

The submitted plans indicated that demolition works are proposed over the boundaries shared with No. 49 Blackbutts Road and No.4 Yanina Place. Landowner's consent for these works has not been provided. These works cannot be approved in the absence of landowner consent.

2. Plan details

Warringah DCP privacy provisions require the windows of one dwelling to be located so they do not provide direct or close views into the windows of other dwellings. The submitted floor plans must include an outline of adjoining buildings and the location of adjacent windows

### **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 4 July 2025 and 51 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 Kye Miles on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Kye Miles  
Principal Planner