



9 August 2025



Boston Blyth Fleming Pty Ltd  
1/9 Narabang Way  
BELROSE NSW 2085

Dear Sir/Madam,

**Development Application No: DA2025/0536 for Alterations and additions to a dwelling house including a secondary dwelling and swimming pool at 19 Burne Avenue DEE WHY.**

### **Warringah Development Control Plan 2011**

#### B1 Wall Height

The Statement of Environmental Effects states there is a wall height non-compliance proposed. Please identify and illustrate the area of non-compliance on the proposed plans. Please also illustrate the ceiling RL levels for the proposed main dwelling and secondary dwelling so the proposed wall height above the existing surveyed ground level can be confirmed.

#### B3 Side Boundary Envelope

Please ensure all elevation plans illustrate the existing ground level at the boundary line of each respective elevation plan. Please annotate the existing ground line on each elevation plan. This is to ensure the assessing officer's calculations of the proposed building envelope are accurate. As per the current plans, the secondary dwelling is non-compliant with the building envelope on the northern, eastern and western elevations which is not supported.

#### B5 Side Boundary Setbacks

The proposed swimming pool must not encroach the 0.9m control at the western boundary. The proposed pool decking must not also encroach the 0.9m control at the southern or western boundaries. Please also illustrate boundary planting along the western and southern boundaries that is capable of screening the swimming pool and also complying with the relevant pool safety standards.

There is proposed decking and terracing inside the side setback areas of the proposed secondary dwelling which is also not supported.

#### C3 Parking Facilities

Please identify/illustrate the existing off-street parking arrangement compared to the proposed. SEPP (Housing) 2021 requires the number of parking spaces provided on the site to be the same as the number of parking spaces provided on the site immediately before development for a secondary dwelling is carried out, otherwise triggering a Clause 4.6 request.



#### D1 Landscaped Open Space

The proposed landscaped open space calculations are unclear. Please provide both an existing and proposed landscaped open space calculation plan ensuring that both plans consider the inclusions/exclusions of the control (e.g dimensions less than 2m are excluded).

#### D6 Access to Sunlight

Please enlarge the proposed solar access diagrams so the full extent of the sites to the south can be observed and the impact properly shown.

#### D7 Views

Following a site visit by the assessing officer, view loss impacts are considered to be experienced from No.21 Burne Avenue as a result of the proposed secondary dwelling as well as from 1A Selby Avenue as a result of the proposed first floor addition. Height poles are necessary to be erected to determine the extent of impact. The locations of the poles will be provided to the applicant following the issuance of this letter.

#### D8 Privacy

Given the proximity to the boundaries, proposed terraces 2 and 3 on the first floor plan are considered to overlook adjoining properties towards the south and east. Terrace 4 of the proposed secondary shall also overlook the northern, eastern and western boundaries.

Privacy screening as a mitigation measure must be explored but however the screening must comply with the building envelope and also not result in any further loss of adjoining views or solar access. If privacy screening is not able achieve compliance with the building envelope, solar access or view loss outcomes, reduction/deletion of the terraces will be required. Further conditions of consent may also be recommended in relation to proposed windows.

#### D9 Building Bulk

The proposed secondary dwelling is considered to result in a development that is inconsistent with the requirement and objectives of the control, particularly when viewed from properties directly to the east and west. The large continuous wall planes in close proximity to the boundaries and adjoining open space areas are considered to result in an undesirable visual outcome.

#### **Other Information**

The existing access handle to No.19 is shown to be bypassed by an alternate right of carriageway traversing No.17 and No.21 Burne Avenue. Please supply evidence of the legal right and terms to use the access route and develop upon the existing access handle area for the proposed secondary dwelling.

For easier interpretation, please re-orientate the plans so north is at the top of the page. Please also clearly colour code the plans so existing and proposed development are differentiated.

#### **Referrals**



#### Landscape Officer

Council's Landscape Officer has reviewed the proposal and raised the following concerns:

*The Arborist's Report prepared by Naturally Trees is noted.*

*The Report indicates that one Category A tree, Tree 3 - Angophora costata is required to be removed to accommodate the secondary dwelling and driveway.*

*The tree is located on the adjoining property at No. 21 Burne Ave.*

*Removal of Category A trees is not supported. Removal of trees on adjoining properties to accommodate the proposed works is not supported. If amended plans are provided, excavation of rock outcrops is to be minimised and the tree retained.*

#### Development Engineer

Council's Development Engineer has reviewed the proposal and raised the following concerns:

*The existing driveway located within the neighboring property (21 Burne Avenue) accessing the proposed parking facilities on the subject site does not seem to be wholly located within the existing right of carriageways. Plan of proposed updated right of carriageway shall be submitted to Council with written consent from the neighboring property (21 Burne Avenue), or alternatively design of updated driveway to be wholly located within the existing right of carriageways with written consent from the neighboring property (21 Burne Avenue) for carrying out physical works on the neighboring land shall be submitted.*

*Driveway long-sections along both sides of the driveway shall be provided by a suitably qualified civil/traffic engineer starting from part of the existing driveway to the new carport slab.*

#### **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](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 21/05/2025 and 80 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 Dean Pattalis on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Dean Pattalis  
Planner