

30 July 2025



The Trustee For AMS Trust  
304/56 Bowman Street  
PYRMONT NSW 2009

Dear Sir/Madam,

**Development Application No: DA2025/0828 for Demolition of existing swimming pool and construction of a secondary dwelling at 1 Cormack Road BEACON HILL.**

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:

**Development Engineer – Stormwater and Flooding**

The proposal has been assessed by the Development Engineering team where they have provided the following comments.

The applicant is seeking approval to remove an existing above-ground swimming pool and construct a secondary dwelling. The proposed development involves slab-on-ground construction and is located adjacent to Council's drainage easement and associated stormwater infrastructure. While the site is not formally mapped as flood-affected, the proposed secondary dwelling may be impacted by localised stormwater overland flow from the surrounding catchment. The applicant has not provided sufficient information regarding the location, extent, and potential impact of Council's drainage infrastructure, nor has the potential for localised flooding been adequately addressed. In addition, the application does not satisfy the requirements outlined in Clause 11.0 "**Overland Flow Flooding**" and Clause 6.0 "**Stormwater Drainage System**" of Northern Beaches Council's *Water Management for Development Policy*.

Accordingly, the application cannot be supported in its current form for the following reasons:

**1. Overland Flow Assessment**

A comprehensive overland flow report is required, prepared by a suitably qualified hydraulic civil engineer. This report must include:

- Cross-sections illustrating the 1-in-100-year Average Recurrence Interval (ARI) water surface levels at appropriate intervals.



- Identification of flood levels on the drainage layout plan affecting both the subject site and adjoining properties.
- Water surface profiles for existing and proposed development conditions, including upstream and downstream of the site.

## **2. Minimum Finished Floor Levels**

The proposed finished floor levels must be set a minimum of 300 mm above the established 1-in-100-year ARI water surface level, as verified by the applicant's hydraulic engineer.

## **3. No Adverse Impact to Adjoining Properties**

The development must demonstrate that stormwater runoff resulting from the proposal will not adversely affect adjacent properties. Supporting calculations and design documentation must be provided.

## **4. Accurate Location of Council Drainage Infrastructure**

Council's stormwater infrastructure must be accurately identified and plotted on the development plans. This includes pipe alignments, dimensions, and associated assets.

- Asset identification must be carried out by a certified service locating contractor and confirmed by a registered surveyor.
- The DA plans must clearly show the infrastructure in relation to the proposed works and be drawn to scale.
- A supporting statement must be provided outlining the methodology used to locate and verify the drainage assets.

## **Issues**

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

### **Front Setback**

Pursuant to section B7 '*Front Boundary Setbacks*' of the WDCP, the subject site must have a minimum 3.5m setback to the secondary frontage (to Cormack Road) and, a 6.5m setback to the primary frontage (to Willandra Road). The proposal currently provides a 1.3m setback to the deck / 1.6m high privacy screens and, a 3.8m setback to the exterior wall of the secondary dwelling. These large breaches in the front setback area are not supported as they breach many objectives and requirements of section B7 in the WDCP. It is reminded that *the front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*

### **Landscaping**



As per section D1 '*Landscaped Open Space and Bushland Setting*' in WDCP, the subject site must have a minimum of 40% landscaped open space (LOS) with a minimum dimension of 2m. Council has assessed the proposal as having 34% of the subject site as LOS or 209sqm. This moderate variation is not supported as it limits space for a variety of vegetation to grow (such as canopy trees) which enhance streetscapes and reduce the bulk and scale of built forms. It is recommended that a reduction in hardstand surfaces or repositioning the proposal would allow for a greater LOS calculation.

### **Other matters**

The following matters should be investigated:

### **NCC Compliance**

It is advised that the applicant should seek information from a Certifier to determine whether the roofed awning can be attached to the primary dwelling and secondary dwelling, as proposed, regarding meeting the requirements of the National Construction Code (NCC) , particularly relating to fire spread.

### **Conclusion**

It is strongly advised that the applicant first seek to correctly map and identify solving the stormwater and flooding issues as identified by the Development Engineering team. Once the stormwater pipe has been correctly mapped, the applicant should then identify if there is sufficient space to build a secondary dwelling taking into account that no buildings are to be within the stormwater easement nor the front and side setbacks as identified within the WDCP.

### **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 July 1<sup>st</sup> 2025 and 29 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 Charlotte Asbridge on 1300 434 434 during business hours Monday to Friday.

Yours faithfully



Charlotte Asbridge

Charlotte Asbridge  
Planner