

24 November 2025



Virajbahen J Chaudhari
1 Neridah Avenue
BELROSE NSW 2085

Dear Sir/Madam,

Development Application No: DA2025/1540 for Demolition works and construction of a dual occupancy and strata subdivision at 1 Neridah Avenue BELROSE.

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:

Side Boundary Setbacks

Part G10.1 R4 of the Warringah Development Control Plan 2011 (WDCP) requires dual occupancy developments to be setback at least 1 metre from one side boundary and 2.5 metres on the other side boundary, or alternatively, the setbacks may be averaged across each side boundary, provided the minimum setback width is 1 metre and the total combined width of both setbacks is at least 3.5 metres (i.e. 1.75 metres from both side boundaries).

The proposed development has a minimum side setback of 0.9 metres from the northern side boundary and a minimum side setback of 1.5 metres from the western side boundary, which does not comply with Part G10.1 R4 of the WDCP.

The assessment finds that there are not sufficient environmental planning grounds to warrant a departure from this control. Accordingly, full compliance with this control is required to obtain Council's support.

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>

Important Note: Council's Development Engineering department have not provided referral comments at this stage of the assessment. In this regard, should this department have any issues, then further amendments / information may be requested at a later date.



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. **As the application has attracted six (6) individual submissions that object to the development during the public exhibition period, the application will be reported to the Northern Beaches Development Determination Panel for determination.**

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 32 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 the undersigned on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Tom Burns
Principal Planner – Development Assessment