

28 May 2025



Harry G Batrounian
7 Rowe Street
ROSEVILLE CHASE NSW 2069

Dear Sir/Madam,

Development Application No: DA2025/0475 for Demolition works and construction of a dual occupancy (attached) including swimming pools and strata subdivision at 10 Lockwood Avenue 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:

Front Setback

Section B7 'Front Boundary Setbacks' of the Warringah Development Control Plan 2011 (WDCP) requires development to be setback at least 6.5 metres (m) from the front boundary. The development has a minimum front 5.577m, which does not comply with Section B7 of the WDCP.

Development within the visual catchment of the site present to Lockwood Avenue with setbacks of 6.5m or greater (in some cases 10m setbacks) and therefore, the development will not have an appropriate visual relationship with surrounding development. As such, the non-compliance is not supported and full compliance with Section B7 is required.

The assessment has identified that there are opportunities to shift the entire building and swimming pools further towards the rear boundary to ensure compliance with Section B7 of the WDCP. Such an amendment would not result in non-compliance with Section B9 'Rear Boundary Setbacks' of the WDCP, noting that Section B9 permits swimming pools within the 6m rear setback area provided the area of the pools do not occupy more than 50% of the rear setback area. Shifting the entire development further back to 6.5m or more from the front boundary, which would push the swimming pools into the 6m rear setback area, would not be inconsistent with Section B9 of 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 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 21 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

A handwritten signature in black ink, appearing to read "T. Burns". The signature is fluid and includes a long, sweeping horizontal stroke at the end.

Tom Burns
Principal Planner, Development Assessment