

4 June 2025



Mhdp Architects
Level 2 271 Alfred Street North
NORTH SYDNEY NSW 2060

Dear Sir/Madam,

Development Application No: DA2025/0463 for Demolition works and construction of a two semi-detached dwellings and subdivision of one (1) lot into two (2) at 22 Karingal Crescent 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:

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)

Section 2.120 – Impact of road noise or vibration on non-road development

Under Section 2.120 of the TI SEPP, which involves development for the purpose of residential accommodation located adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW), consent must not be granted unless appropriate measures have been taken to ensure that the following LAeq levels are not exceeded –

- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

As the site adjoins Warringah Road to the rear, which has an annual average daily traffic volume that exceeds 20,000 vehicles, an Acoustic Report (AR) prepared by a suitably qualified expert must be submitted.

The AR must demonstrate how the above LAeq measures are not exceeded.

Warringah Development Control Plan 2011 (WDCP)

Section D8 – Privacy

Section D8 of the WDCP aims to optimise privacy for occupants of the development and neighbours.

While the development is generally designed to meet this requirement, Window W-1 06 would enable the occupants to overlook into the adjoining property to the east. It is requested that privacy attenuation measures be incorporated on this window to mitigate the impact. Alternatively, Council can recommend a suitable condition to resolve this issue, provided the other matters on this letter are resolved.



Section G9, Part 5.3.9 – Front Fences and Front Walls

This Section of the WDCP states that front fences and front walls must be no greater than 1.2 metres in height.

While fencing is shown on the 3D montages, no elevational plans have been provided for the front fencing. This information must be provided, and the height of the fencing must not exceed 1.2 metres in height.

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 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 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'.

Tom Burns
Principal Planner, Development Assessment