



northern
beaches
council

30 June 2025



The Trustee For Buckandsimple Unit Trust
Suite 102 46 East Esplanade
MANLY NSW 2095

Dear Sir/Madam,

Development Application No: DA2025/0567 for Alterations and additions to a dwelling house at 44 Arnott Crescent WARRIEWOOD.

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:

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

1. Building Envelope

Clause D14.11 Building envelope of the P21DCP requires buildings to be sited within an envelope determined by projecting planes at 45 degrees from a height of 3.5m above existing ground level at the side boundaries. The proposed first floor significantly encroaches the western side building envelope and fails to achieve the following outcomes of the control:

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*

The proposed first floor must be stepped in from the ground floor below to break up the bulk of the dwelling and visually reduce the built form. As such, amendments are required to provide a compliant building envelope.

2. Side Setbacks

Clause D14.8 Side and rear building line of the P21DCP requires development to be setback a minimum 2.5m from one side boundary and 1.0m to the other side boundary. The proposed first floor provides a minimum setback of 0.9m to the western side boundary and does not comply. As above, greater spatial separation is required to break up the bulk and scale of the built form.

3. Privacy

Clause C1.5 Visual Privacy of the P21DCP requires the following:

- *Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout,*



landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

- *Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*

The proposed terrace is located on the eastern side of the first floor less than 9m from the adjoining terrace at 46 Arnott Crescent. The extent of the proposed terrace shall be reduced to provide a minimum 9m of separation to the adjoining terrace to mitigate overlooking.

- **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 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 by 14 July 2025**. 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 28 May 2025 and 33 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 Olivia Ramage on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Olivia Ramage
Planner