

Memo

Development Assessment

To: Development Determination Panel

Cc: Tom Burns
Acting Manager Development Assessment

From: Ryan Fehon
Student Planner

Date: 11 August 2025

Subject: Late Submissions - DA2025/0272

Dear Panel members,

The purpose of this memo is to inform the Development Determination Panel (DDP) of three (3) late submissions that have been received ahead of the DDP Agenda scheduled for 13 August 2025. The submissions have been received from three landowners that are located to the rear of the subject site, being 53 Neridah Avenue, 56 Neridah Avenue and 58 Neridah Avenue.

Privacy Impacts:

The submissions have raised concerns in relation to overlooking into side and rear private open spaces of neighbouring sites. There was concern that the slope of the site downwards towards the lower sites of Neridah Avenue would cause overlooking into these adjoining properties to the south. Submissions requested obscure glazing and raised sill heights to the south facing windows.

This matter has been addressed in the sections of this report relating to the Public Submissions and Section D8 'Privacy' of the Warringah Development Control Plan 2011 (WDCP). In summary, no additional changes are required to the south facing windows or the rear ground floor decking. A condition has been recommended to preserve the privacy of 5 Lockhart Place to the north-east; however, the owners of this property have not made any additional late submissions.

Bulk and Scale:

The submissions raised concerns that the bulk and scale of the dwelling, particularly on the southern and south-western sides of the first floor, is unacceptable for the amenity of neighbouring properties and the character of the area.

The bulk and scale of the development has been assessed as being acceptable and consistent with the low density residential character of the locality, as demonstrated within the sections of this report relating to the Public Submissions, Section B3 'Side Boundary Envelope' and Section D9 'Building Bulk' of the WDCP.

Process Concern:

There was concern that the Assessment Report provided for the DDP to review relied on conditions rather than design amendments to address concerns. There was also concern that the Assessment Report states that the rear decking structure was compliant with the rear setback.

The Assessment Report and recommended conditions provided are considered satisfactory for addressing these concerns of the public. The Assessment Report states that the rear decking structure is non-compliant and provided a merit assessment detailing this, with the merit assessment concluding that the non-compliance does not give rise to unacceptable impacts.

Rear Setback Breach:

There was concern that the rear setback breach of the decking structure would provide significant overlooking opportunity to rear property.

This matter has been discussed in detail within the section of the Assessment Report relating to Section B9 'Rear Boundary Setbacks' of the WDCP. In summary, the assessment concludes that the objectives of the WDCP are achieved and that the non-compliance does not give rise to unacceptable impacts (including privacy impacts). As such, flexibility has been afforded to the numerical requirements of the rear setback control within the WDCP, consistent with Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979.

Side Building Envelope Breach:

It was raised in the submissions that the breach of Section B3 'Side Boundary Envelope' control of the WDCP compounds impacts on neighbouring sites.

This breach is considered satisfactory as outlined in the Section B3 'Side Boundary Envelope' section of the Assessment Report.

Inaccurate Shadow Diagram:

There were concerns that a tree in the rear setback area of 6 Lockhart Place was excluded from the shadow diagrams provided.

The shadow diagrams are considered to give a satisfactory amount of context to the impacts of the first-floor addition. The assessment has concluded that the development complies with Section D6 'Access to Sunlight' of the WDCP.

Stormwater:

The submissions raised that the proposed development needs to incorporate an On-Site Detention system to address flows up to and including the 1% Annual Exceedance Probability (AEP) event from all impervious areas, before discharging the flow to Council's stormwater pipe.

Council's Engineer has not required on-site detention, with **Conditions 8, 10, 11, 22, 23, 24, and 25** relating to Stormwater Management on the site.

Recommendation:

It is recommended that the DDP acknowledge the additional submissions. No changes are required to the recommendation or conditions contained in the Assessment Report.