

20 August 2025



Jon Bianchino
14 Percy Street
ROZELLE NSW 2039

Dear Sir/Madam,

Development Application No: DA2025/0861 for Demolition works and construction of a dwelling house including an attached secondary dwelling at 51 Quirk Street DEE WHY.

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:

- **Issues**

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

1. Secondary Dwelling

The proposed attached secondary dwelling at the ground floor level exceeds the maximum 60m² floor area permitted under the Housing SEPP and WLEP 2011.

The applicant shall amend the proposal to ensure that the floor area of the secondary dwelling does not exceed 60m².

2. View Sharing

The applicant shall consider the extent of view impact of the proposed development from adjacent properties, particularly towards the southeast from the dwelling at No. 49 Headland Road.

The applicant shall provide a detailed view impact analysis from No. 49 with an assessment against the considerations of the Tenacity view sharing planning principle.

3. Stormwater Management

The submitted stormwater plan proposing discharge to the kerb is not satisfactory. The site falls to the rear and as such stormwater management must be in accordance with Section 5.5 of Council's Water Management for Development Policy.

All stages of the section are to be considered, including the request to grant an inter-allotment drainage easement. Where an inter-allotment drainage easement is refused by downstream property owners, written refusal of easement letters are to be provided (see Appendix 2 for a sample easement



request letter). If a level spreader design is considered, it shall be in accordance with Appendix 4.

- **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**. 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 4 July 2025 and 47 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 Nick Keeler on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Nick Keeler'.

Nick Keeler
Principal Planner