

6 August 2025



Andrew D Nicholson
11 Booralie Road
TERREY HILLS NSW 2084

Dear Andrew,

Development Application No: DA2025/0745 for Alterations and additions to a dwelling house including a swimming pool at 27 Rickard Road NORTH NARRABEEN.

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:

- **Internal Referral – Natural Environment Referral**

This proposal is for the construction of a pool and coping on the property. The proposal is assessed against Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.

The proposal is located within the High Flood Risk and Flood Storage precinct.

The proposed pool is within the 1% AEP extent and built flush with the natural ground level, as is the coping.

Control F1 of the DCP states:

“Fencing, (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be designed so as not to impede the flow of flood waters and not to increase flood affectation on surrounding land. At least 50% of the fence must be of an open design from the natural ground level up to the 1% AEP flood level. Less than 50% of the perimeter fence would be permitted to be solid.

Openings should be a minimum of 75 mm x 75mm.”

The proposed feature wall is completely solid and acts as a boundary fence to the pool. This does not comply with the DCP.

The proposal does not comply with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.



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 16 June 2025 and 48 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 Phil Lane on 1300 434 434 during business hours Monday to Friday.

Regards,

Phil Lane
Principal Planner