

---

**Sent:** 24/07/2019 8:04:00 AM  
**Subject:** Request to withdraw Development Application DA2019/0709 - 48 Nareen Parade, North Narrabeen  
**Attachments:** Request for Withdrawal of Development Application - Matthew Good.DOCX; Landscape Referral Response.PDF; Development Engineering Referral Response.PDF; Natural Environment Referral Response - Biodiversity.PDF;

Dear Mathew,

Your application has been assessed by myself, including reference to a previous letter from Council dated 9 July 2019 requesting a geotechnical report.

Unfortunately your application cannot be supported and is requested to be withdrawn. Please see the attached letter.

Any questions please call.

Kind Regards

**Kevin Short**  
Planner

Development Assessment  
t 02 9942 2143 m 0409 363 865  
kevin.short@northernbeaches.nsw.gov.au  
northernbeaches.nsw.gov.au



---

**From:** Matthew Good  
**Sent:** Monday, 22 July 2019 10:41 PM  
**To:** Georgia Quinn  
**Cc:** Council Mailbox ; Matt Good  
**Subject:** FW: DA2019/0709 - 48 Nareen Parade, North Narrabeen  
**Importance:** High

Hi Georgia,

I received an undeliverable message report late this afternoon (attached) from an email I tried to send to you last week on the 17<sup>th</sup> July (below) requesting an extension of time for the request for additional information, and also evidence of placement of the notification sign outside our premises.

Apologies for the mix up, it was my mistake in typing your email address. Additionally I tried to call you again on Friday last week however I was informed you are away until this coming Wednesday.

FYI the geotechnical investigation works have already been concluded at our property and we are just awaiting the report. If you could please review the message below and take my request into consideration.

Many thanks.

**Matt Good**

Major Projects

**Jemena**

Level 13, 99 Walker St, North Sydney, NSW, 2060

Tel: (02) 9867 7142 | Mob: 0419 431 825

[matthew.good@jemena.com.au](mailto:matthew.good@jemena.com.au) | [www.jemena.com.au](http://www.jemena.com.au)



---

**From:** Matthew Good

**Sent:** Wednesday, 17 July 2019 3:54 PM

**To:** [georgia.quinn@northernbeaches.com.au](mailto:georgia.quinn@northernbeaches.com.au)

**Subject:** DA2019/0709 - 48 Nareen Parade, North Narrabeen

Hi Georgia,

I tried to call earlier but you were in a meeting. In relation to the attached Request for Further Information I have engaged Crozier Geotechnical Engineers to carry out a H1 Geotechnical Investigation for the site and I'm currently waiting for them to schedule the investigation works. They have informed me that they should be able to complete the report by the required 23<sup>rd</sup> July however I'd like to request an extension of time until 30<sup>th</sup> July to allow for any unforeseen events. If you could please let me know if this is acceptable it would be greatly appreciated.

Additionally I've attached 2 photos as evidence of the Notification sign which was placed outside the property today, apologies I don't have the necessary equipment to date stamp the photos. I trust these photos will suffice but please let me know if this is not the case.

Regards,

**Matt Good**

Major Projects

**Jemena**

Level 13, 99 Walker St, North Sydney, NSW, 2060

Tel: (02) 9867 7142 | Mob: 0419 431 825

[matthew.good@jemena.com.au](mailto:matthew.good@jemena.com.au) | [www.jemena.com.au](http://www.jemena.com.au)



\*\*\*\*\*

This is a confidential message intended for the named recipient(s) only. The contents herein are privileged to the sender and the use thereof is restricted to the intended purpose. If you have received this e-mail in error, please do not use, disclose, distribute, copy, print or relay on this email. If receipt is in error, please advise the sender by reply email. Thank you.

\*\*\*\*\*

24 July 2019



Matthew Good  
48 Nareen Parade  
NORTH NARRABEEN NSW 2101

Dear Mr Matthew Good,

**Development Application No. DA2019/0709 for Construction of a studio at 48 Nareen Parade North Narrabeen**

Council has completed a preliminary assessment of your application which was received by Council on 4 July 2019 and has identified a number of areas of non-compliance and insufficient information that will not allow Council to support the application in its current form.

**Pittwater 21 Development Control Plan**

**cl. B4.4 Flora and fauna habitat enhancement and wildlife corridors; cl. B4.22 Preservation of Trees and Bushland Vegetation; cl. C1.1 Landscaping & cl. D11 North Narrabeen Locality:**

Comment: An arborist report was not submitted with the application and therefore the landscape component of the proposal is not acceptable. Please see attached referral comments from Council's Bushland and Biodiversity Officer and Landscape Officer.

**cl. D11.11 Landscaped Area - Environmentally Sensitive Land**

Comment: The control requires a minimum of 60% landscaped area and submitted plans show that a total of 50.6% (351.5sqm) will be provided by the development. The variation to the control is not supported.

**cl. B3.1 Landslip Hazard**

Comment: As previously conveyed by Council in a letter dated 9 July 2019, a geotechnical report was required to be submitted with the development application on lodgement as the site is classified as being affected by landslip on the Pittwater Geotechnical Hazard Map.

**cl. D11.7 Side and rear building line**

Comment: No justification has been provided within the Statement of Environmental Effects to support the proposed 2.5m rear building line which does not comply with the 6.5m requirement of the control. In this regard, it is not possible to determine whether a reasonable level of privacy and amenity is maintained to adjoining residential properties.



### **Advice for the Applicant**

The extent of the issues outlined above, result in Council being unable to support the proposal in its current form.

You are therefore strongly encouraged to withdraw this application and resubmit a new application that addresses all of the issues listed above. Council will not accept any additional information or amendments to this current application.

Should you choose to withdraw this application within seven (7) days of the date of this letter, Council will refund **75%** of the development application fee. If you have not contacted Council by 31 July 2019, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au). To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

**Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application.** If bank details supplied do not match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.

<b>Bank</b>	
<b>Account Name</b>	
<b>BSB</b>	
<b>Account Number</b>	

If you have not contacted Council by 31 July 2019, Council will assume that you are not withdrawing this application. No fees will be refunded and we will assess this application in its current form.

Should you wish to discuss any issues raised in this letter, please contact Kevin Short on 02 9942 2143 between 9.30am to 3.00pm Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. Piggott'.

Rodney Piggott  
**Manager, Development Assessment**

## Landscape Referral Response

<b>Application Number:</b>	DA2019/0709
<b>Date:</b>	16/07/2019
<b>Responsible Officer:</b>	Kevin Short
<b>Land to be developed (Address):</b>	Lot 34 DP 11356 , 48 Nareen Parade NORTH NARRABEEN NSW 2101

### Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

### Officer comments

The proposed development is for the construction of a proposed studio. Upon review of the site, it is advised that arboricultural investigation is required to continue with the assessment of the application.

A mature and significant Turpentine is located in close proximity to the proposed studio to the west, and a mature Angophora is located south of the proposed studio. It is appreciated that the proposal involves above ground building works with pier footing construction. However the information provided does not indicate what impacts may occur from footing excavation works upon existing root systems and the continued health of the existing trees, or how the existing trees will be protected during construction.

The landscape component of the proposal on the information provided to date is not acceptable, and an arboricultural impact assessment is required, in accordance with Council's DA Lodgement Requirements.

The report shall address construction issues including: final pier footing locations, that shall be subject to subsurface root investigation by an arborist to locate piers to reduce impacts to the structural root zone and tree protection zone; and tree protection measures to be put in place to protect existing trees such as ground and trunk protection.

The DA Lodgement Requirements for arboricultural impact assessment provides the following guidance:

An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree (excluding trees and species that can be removed without approval under the relevant DCP, irrespective of property boundaries. The report must include:

- who commissioned the report and why was the report commissioned,
- the address of the site containing the trees,
- a plan of the site showing the exact location of the trees and the trees numbered to correspond with the text,
- the methods or techniques used in the inspections,

- the scientific name, common name, height, canopy spread, trunk diameter at breast height, SULE, landscape significance, and form of each tree,
- discussion of the data collected, which may include information regarding wounds, cavities, cracks, splits, forking, root zone or diseases,
- supporting evidence such as photographs,
- a discussion of all options relating to tree retention or removal, including construction techniques to minimise impacts upon root systems,
- justification for tree removal,
- if required, a tree construction impact statement and recommendations for construction methodology,
- may include root mapping,
- demonstrate compliance with the relevant Australian Standards.

The arborist is to review all architectural and engineering plans, and is to be aware of any and all earthworks proposed on site.

Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D11 North Narrabeen Locality

### **Referral Body Recommendation**

Recommended for refusal

### **Refusal comments**

### **Recommended Landscape Conditions:**

Nil.

## Engineering Referral Response

Application Number:	DA2019/0709
To:	Georgia Quinn
Land to be developed (Address):	Lot 34 DP 11356 , 48 Nareen Parade NORTH NARRABEEN NSW 2101

### Reasons for referral

This application seeks consent for the following:

- New Dwellings or
- Applications that require OSD where additional impervious area exceeds 50m2 or
- Alterations to existing or new driveways or
- Where proposals affect or are adjacent to Council drainage infrastructure incl. watercourses and drainage channels or
- Torrens, Stratum and Community Title Subdivisions or
- All new Commercial and Industrial and RFB Development with the exception of signage or
- Works/uses in flood affected areas

And as such, Council's development engineers are required to consider the likely impacts on drainage regimes.

### Officer comments

Comments for Development Engineers:

1. Low flood risk. No OSD is required.
2. The site is located within the Geotechnical Hazard Area. The site is very steep.
3. The site drains to the front.

Development Engineers have assessed the application and cannot support it due to the following reason.

1. No geotechnical report is provided. The development site is located within Geotechnical Hazard Area. A detailed geotechnical report shall be submitted to Council's Development Engineers for further assessment in accordance with Clause B3.1 Pittwater 21 DCP.

Failure to comply with Clause B3.1 Pittwater 21 DCP.

### Referral Body Recommendation

Recommended for refusal

### Refusal comments

### Recommended Engineering Conditions:

Nil.

## Natural Environment Referral Response - Biodiversity

<b>Application Number:</b>	DA2019/0709
<b>Responsible Officer</b>	Georgia Quinn
<b>Land to be developed (Address):</b>	Lot 34 DP 11356 , 48 Nareen Parade NORTH NARRABEEN NSW 2101

### Reasons for referral

This application seeks consent development on land, or within 40m of land, containing:

- All Development Applications on
- Actual or potential threatened species, populations, ecological communities, or their habitats;
- Wildlife corridors;
- Vegetation query stipulating that a Flora and Fauna Assessment is required;
- Vegetation query - X type located in both A & C Wards;

And as such, Council's Natural Environment Unit officers are required to consider the likely potential environmental impacts.

### Officer comments

This application has been assessed against Pittwater LEP 7.6 Biodiversity and Pittwater DCP B4.4 Flora and fauna habitat enhancement and wildlife corridors. The whole of the property is mapped as Plant Community Type, Coastal Enriched Sandstone Moist Forest, within the SMCMA V3 mapping study (OEH 2016).

The proposal is for the construction of a 34.2 sqm studio, including deck. No native trees are proposed to be removed by the works. Biodiversity supports the retention and protection of trees.

The SEE states, "*The Studio is proposed to be constructed within 3m of two trees on Site and will not require the removal of any trees. The proposal will have no effect on the existing vegetation on the subject property, or the adjoining properties.*"

The plans show many existing trees nearby and within the access route for the construction of the proposed studio, including within 2 m from the base of at least 2 trees, one being at least 20 m high (as shown on the plans). There is also stormwater infrastructure proposed which appears to run close to the base of other trees to be retained and protected.

Council's Natural Environment - Biodiversity section cannot complete this assessment until further information is provided.

An Arborist Report is required to be prepared and submitted to support the application in accordance with the following:

- must identify the location, species, health and size of all trees within 5m of the proposed development (including any trenches for utilities);
- Prepared by a suitably qualified arborist with minimum AQF Level 5;
- Prepared based on the actual plans and documentation submitted in support of the DA;



- Take into account all above- and below-ground works and structures that are ancillary to the development, including any changes in soil/ground level around the base of canopy trees;
- A tree protection and management plan with specific tree protection measures to enable safe retention of all trees proposed for retention, including mapping Tree Protection Zones, Structural Root Zones and any encroachments.

**Referral Body Recommendation**

Recommended for refusal

**Recommended Natural Environment Conditions:**

Nil.