

28 May 2025



Rodney Hale
35 Brisbane Avenue
MOUNT KURING-GAI NSW 2080

Dear Sir/Madam,

Development Application No: Mod2025/0199 for Modification of Development Consent DA2022/1054 granted for alterations and additions to a dwelling house including a swimming pool at 34 Narrabeen Park Parade 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:

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

Geotechnical Report

The application was referred to Council's Development Engineers, who provided the following comments:

"The proposal includes the construction of a new retaining wall adjacent to the front boundary. This wall will require excavation that has not been considered in the existing Geotechnical report. A revised Geotechnical report for this work must be submitted in accordance with Council's Geotechnical risk policy.

Development Engineering cannot support the proposal due to insufficient information to address geotechnical risk in accordance with clause B3 of the DCP.

The proposal is therefore unsupported."

Landscaped open space

The plans submitted provide insufficient information upon which to calculate the area of landscape open space. The Pittwater DCP part D14.13 requires land zoned E4 Environmental living to provide 60% landscaping of the site area. Please provide DA approved and proposed dimensioned landscape plans to allow for an accurate calculation of landscapes open space.

- **Issues**



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

Incorrect application type

The modification application you have submitted is a Section 4.55(1a), this type of application is limited to modifications with minimal environmental impact. Due to the excavation involved in your application, the extent of modification to the development is aligned with a Section 4.55(2) modification. In order for the modifications to proceed, it will be necessary to re-frame the application as a Section 4.55(2) application through the Planning Portal, and pay the additional application fee. Without the re-framing of the application, there would be no alternative than refusal of the modifications that are proposed.

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 Council Accepted and 24 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 Tess Johansson on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Tess Johansson
Planner