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**Sent:** 1/12/2020 8:10:06 AM

**Subject:** DA2020/0502 - 34 - 36 Bardo Road, Newport - Northern Beaches Local Planning Panel

Good morning Carly,

Can you please forward this email to the NBLPP members.

Attention: The Northern Beaches Local Planning Panel

I refer to the above matter which is on the agenda for tomorrow's panel meeting with a recommendation for refusal.

As you can see from the email trail below, the Applicant has been actively trying to engage with Council to resolve the issues raised through the internal referral process since the 11<sup>th</sup> August 2020 with amended plans provided to Council for comment on 14<sup>th</sup> October 2020.

After nearly 5 months of zero communication from Council, an issues letter was received by the applicant on 19<sup>th</sup> October 2020 providing 14 days to respond. As indicated above, we had already provided Council with amended plans on 14<sup>th</sup> October 2020 for which we have still not received any feedback on.

In particular, I draw your attention to the advice received on 17 November 2020 in relation to the need to urgently report this matter to the NBLPP namely:

*As discussed, we are required to report the application to a meeting of the LPP in December (2 December), as the LPP have been given a directive from the Minister of Planning that applications are required to be reported to either a Local Planning Panel or Regional Panel within 180 days of lodgement.*

*As a result, the assessment report will be referred to the LPP meeting on 2 December 2020 on the basis of the original plans, and that Renee will prepare a memo to the LPP advising them of your recent submission of amended plans and that as a result of the 2 December deadline the re-exhibition and assessment of the plans were not possible. The LPP will then decide whether to accept the amended and defer the consideration of the application to allow the re-exhibition of the DA and reassessment of the plans.*

Under such circumstances, including the fact that the amended plans and consultant reports submitted to Council represent a comprehensive response to the issues raised, we respectfully request that the Panel defers this matter to enable the amended plans to be notified and assessed and reported back to the panel once such assessment has been undertaken.

Regards

Greg Boston  
B Urb & Reg Plan (UNE) MPIA  
B Env Hlth (UWS)  
Director



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**From:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>  
**Sent:** Tuesday, 17 November 2020 6:29 PM  
**To:** 'Lashta Haidari' <[Lashta.Haidari@northernbeaches.nsw.gov.au](mailto:Lashta.Haidari@northernbeaches.nsw.gov.au)>; 'Renee Ezzy' <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>  
**Cc:** 'Peter Robinson' <[Peter.Robinson@northernbeaches.nsw.gov.au](mailto:Peter.Robinson@northernbeaches.nsw.gov.au)>  
**Subject:** RE: DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

Hi Lashta,

Thanks for taking my call late on a Tuesday and for your advisory email.

I don't believe the fact that I forwarded our response the week after the 14 days created the timing crunch, noting that I had also advised Renee that it might be late because of Court commitments, but rather the fact that Council took 5 months to the day to formally communicate with us in terms of the issues.

Can I also stress that any frustration that I have shown is not directed towards any staff member, and particularly not Renee, as I appreciate the enormous work load that she has been trying to manage for the best part of this year.

Regards

Greg Boston  
B Urb & Reg Plan (UNE) MPIA  
B Env Hlth (UWS)  
Director



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**From:** Lashta Haidari <[Lashta.Haidari@northernbeaches.nsw.gov.au](mailto:Lashta.Haidari@northernbeaches.nsw.gov.au)>  
**Sent:** Tuesday, 17 November 2020 6:11 PM  
**To:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>; Renee Ezzy <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>  
**Cc:** Peter Robinson <[Peter.Robinson@northernbeaches.nsw.gov.au](mailto:Peter.Robinson@northernbeaches.nsw.gov.au)>  
**Subject:** RE: DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

Hi Greg,

As discussed, we are required to report the application to a meeting of the LPP in December (2 December), as the LPP have been given a directive from the Minister of Planning that applications are required to be reported to either a Local Planning Panel or Regional Panel within 180 days of lodgement.

As a result, the assessment report will be referred to the LPP meeting on 2 December 2020 on the basis of the original plans, and that Renee will prepare a memo to the LPP advising them of your recent submission of amended plans and that as a result of the 2 December deadline the re-exhibition and assessment of the plans were not possible. The LPP will then decide whether to accept the amended and defer the consideration of the application to allow the re-exhibition of the DA and reassessment of the plans.

The situation is not ideal, but the late submission of the amended plans and the deadline that we have been given to report the application to the LPP in December means that this is the only way forward.

Let me know if you require any further information.

Regards

**Lashta Haidari**  
Acting Manager, Development Assessments

Development Assessment

t 02 8495 6485 m 0416 849 070

[lashta.haidari@northernbeaches.nsw.gov.au](mailto:lashta.haidari@northernbeaches.nsw.gov.au)

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)



northern  
beaches  
council

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**From:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>

**Sent:** Tuesday, 17 November 2020 5:20 PM

**To:** Renee Ezzy <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>

**Cc:** Lashta Haidari <[Lashta.Haidari@northernbeaches.nsw.gov.au](mailto:Lashta.Haidari@northernbeaches.nsw.gov.au)>

**Subject:** RE: DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

**Importance:** High

Thanks Renee,

Wow. Now that's a bit harsh given that I had been actively trying to communicate with you since 11<sup>th</sup> August regarding the issues raised in the internal referrals and I even emailed you some concept amended plans for your review on 14<sup>th</sup> October based on the fact that you had not provided any feedback in relation to what issues you needed us to address. Previous email as below.

You then wrote to the proponent on 19<sup>th</sup> October outlining the issues and providing a number of options including providing additional information addressing the issues.

We have comprehensively done this.

I appreciate that you are busy however as a frequent user of Council I find this unacceptable.

If you review the amended plans you will see that all issues have been comprehensively dealt with to that extent I see no utility in reporting the original plans to the NBLPP with a recommendation for refusal.

Please let me know your thoughts before I reach out to Peter.

Cheers

Greg Boston  
B Urb & Reg Plan (UNE) MPA  
B Env Hlth (UWS)  
Director



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34-36 Bardo Road, Newport DA2020/0502



Greg Boston <greg@bbfplanners.com.au>


To: Renee Ezzy

Cc: Steven Findlay



14/10/2020

Red Category

 This message was sent with High importance.



Good morning Renee,

I appreciate that you are extremely busy at the moment through no fault of your own.

The DA was lodged 5 months ago and I am aware of the objections and internal referral concerns raised although we have not received a Council issues letter as yet.

That said, we have taken a proactive approach and amended the plans to address all referral concerns relating to tree impacts, setbacks, deep soil landscaping, waste and prominence of the ramp in the front setback.

My preference as you know is to work with Council whenever possible however my client is acutely aware that his deemed refusal appeal right is about to be forfeited.

Are you in a position to review these plans and arrange a TEAMS meeting or phone call to discuss as we are wanting to formally submit them as soon as possible.

I look forward to hearing from you when you are able.

Regards

Greg Boston  
B Urb & Reg Plan (UNE) MPIA  
B Env Hlth (UWS)  
Director



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**From:** Renee Ezzy <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>

**Sent:** Tuesday, 17 November 2020 4:57 PM

**To:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>

**Cc:** Lashta Haidari <[Lashta.Haidari@northernbeaches.nsw.gov.au](mailto:Lashta.Haidari@northernbeaches.nsw.gov.au)>

**Subject:** RE: DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

Hi Greg,

Following receipt of the amended plans last week, I discussed this application with Lashta and Peter Robinson

and it was decided that as this application was already listed to be reported to the LPP before the end of this year, there was not sufficient time to re-notify the amended plans and adjust the assessment in order to meet this deadline.

I am currently finalising a report for this development which will be based on the original plans. The Panel will be informed of the amended plans for the proposal so that they can direct the application to be renotified and reported back should they choose to do so.

I will be in touch as soon as I can confirm the agenda date for this application to be considered (likely to be 2 December).

Kindest regards,

**Renee Ezzy**

Principal Planner

Development Assessment

t 02 8495 6481

[renee.ezzy@northernbeaches.nsw.gov.au](mailto:renee.ezzy@northernbeaches.nsw.gov.au)

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)



---

**From:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>

**Sent:** Tuesday, 17 November 2020 4:51 PM

**To:** Renee Ezzy <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>

**Subject:** DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

Hi Renee,

Just following up on my emails below noting that the response documents are not uploaded to DA tracker.

We are keen to see this progressed.

Any update greatly appreciated.

Regards

Greg Boston  
B Urb & Reg Plan (UNE) MPIA  
B Env Hlth (UWS)  
Director



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**From:** Greg Boston <[greg@bbfplanners.com.au](mailto:greg@bbfplanners.com.au)>  
**Sent:** Monday, 9 November 2020 12:01 PM  
**To:** 'Renee Ezzy' <[Renee.Ezzy@northernbeaches.nsw.gov.au](mailto:Renee.Ezzy@northernbeaches.nsw.gov.au)>  
**Cc:** '[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)' <[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)>  
**Subject:** DA2020/0502 - 34 - 36 Bardo Road, Newport - Amended plans in response to issues letter - Email 1 of 4

Good afternoon Renee,

As previously discussed, please find attached the formal response to the issues letter of 19<sup>th</sup> October 2020.

I will send over a series of emails which I have also CC'd to Council@.

I am comfortable that the amendments made address the issues raised.

I look forward to hearing from you in due course.

Regards



Greg Boston  
B Urb & Reg Plan (UNE) MPIA  
B Env Hlth (UWS)  
Director



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