

Northern Beaches Council
GPO Box 1591
Sydney NSW 2001

15 July 2024

Re: Returned DA Lodgement at 10-12 Boondah Road, Warriewood

Dear Sir/Madam,

We refer to the returned Development Application DA2024/0894 for proposed development at 10 and 12 Boondah Road, Warriewood.

We draw Council's attention to Clause 24 of the Environmental Planning and Assessment Regulation 2021 which sets out what constitutes a valid development application and which if an application is in accordance with the Regulation and the Application Requirements published by the then NSW Department of Planning and Environment (March 2022), then a consent authority must accept the application regardless of any checklist the Council may have compiled.

In short, the application as lodged was clear and legible on the form of development for which consent is sought and provided the items required to be submitted by the Act, the Regulation and the approved form (i.e. the NSW Planning Portal).

Despite this and in good faith the following response to each of the nine (9) items raised is provided:


1. The QS has signed a second declaration at Part 3 of the Council form
2. The floor areas for the housing and productivity contribution have been broken down despite the uses all being under the group term of retail premises
3. An ASIC extract has been provided
4. An access report is not required to be lodged under the Regulation but an Access report has been engaged to be prepared and will be provided to Council
5. A BCA report is not required to be lodged under the Regulation but a BCA report has been engaged to be prepared and will be provided to Council, noting that the form of construction is very simple and there are no impediments to being able to comply with the BCA
6. A bushfire certificate is not provided and not required as set out in the submitted letter from Travers Bushfire and Ecology dated 12 July 2024
7. The heritage provisions of clause 5.10 of the Pittwater LEP, and by default the flora and fauna impacts assessments prepared. Given the heritage item is not a built form item but an item of ecological heritage significance there is more than sufficient information against which to assess impact of development in the vicinity of a heritage item
8. A landscape calculation plan has been provided

9. A stormwater plan was uploaded to the portal originally and is provided again

Given the above and in consideration of the statutory framework on what constitutes a valid Development Application, the acceptance of the application as soon as possible is requested.

Should you require any further information, please do not hesitate to contact myself on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Scott Barwick". The signature is written in a cursive style with a large initial 'S'.

Scott Barwick
Director